

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMC CORPORATION AND EMC ISRAEL)	
DEVELOPMENT CENTER, LTD.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 12-956 (GMS)
)	
ZERTO, INC.,)	REDACTED --
)	PUBLIC VERSION
Defendant.)	

PROPOSED PRETRIAL ORDER

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Attorneys for Defendant

This matter having come before the Court at a Pretrial Conference held pursuant to Fed. R. Civ. P. 16, and Morris, Nichols, Arsht & Tunnell LLP, 1201 North Market Street, Wilmington, Delaware 19899, (302) 658-9200 and Wolf Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, MA 02210, (617) 646-8000 having appeared as counsel for plaintiffs EMC Corporation and EMC Israel Development Center, Ltd. (collectively, “EMC”) and Young, Conaway, Stargatt & Taylor LLP, 1000 North King Street, Wilmington, Delaware 19801, (302) 571-6600 and Foley & Lardner LLP, 111 Huntington Avenue, Suite 2500, Boston, MA 02199, (617) 342-4000 having appeared as counsel for defendant Zerto, Inc. (“Zerto”), the following actions were taken:

- (1) This is an action for patent infringement and the jurisdiction of the court is involved under 28 U.S.C. §§ 1331 and 1338(a). Jurisdiction is not disputed.

EMC alleges that Zerto indirectly infringes U.S. Patent No. 7,647,460 (the “’460 patent”), U.S. Patent No. 6,073,222 (the “’222 patent”), U.S. Patent No. 7,603,395 (the “’395 patent”) and U.S. Patent No. 7,971,091 (the “’091 patent”), and U.S. Patent No. 7,577,867 (the “’867 patent”) (together, the “Asserted Patents”) and directly infringes the ’867 patent. Zerto has asserted counterclaims for declarations of non-infringement and invalidity as to the ’460, ’222, ’395, ’091, and ’867 patents. Zerto has also alleged unenforceability of the ’867, ’395, and ’091 patents due to inequitable conduct. In the event that Zerto is found liable for infringement of the ’460, ’222, ’395, ’091, and/or ’867 patents, EMC seeks a permanent injunction, damages, and attorneys’ fees. In the event that Zerto is found to have willfully and deliberately committed acts of infringement of the ’867 patent, EMC will seek treble damages.

EMC’s patent infringement claims are set forth in its First Amended Complaint filed August 19, 2013 (D.I. 64). Zerto’s counterclaims for declarations of non-infringement,

invalidity, and unenforceability due to inequitable conduct are set forth in its Amended Answer to the First Amended Complaint, Affirmative Defenses and Counterclaims (D.I. 115). EMC's response to Zerto's counterclaims is set forth in its Answer to the Amended Counterclaims of Zerto, Inc. (D.I. 137).

(2) The following stipulations and statements were submitted and are attached to and made a part of this Order.

- (a) a comprehensive stipulation or statement of all uncontested facts, which will become a part of the evidentiary record in the case (and which may be read to the jury by the court or any party) – submitted herewith as Schedule A;
- (b) an agreed statement or statements by each party of the contested issues of fact and law and a statement or statements of contested issues of fact or law not agreed to:
 - the parties' joint statement of contested issues of fact or law is submitted herewith as Schedule B-1.
- (c) except for impeachment exhibits and demonstrative exhibits, schedules of all exhibits, including documents, summaries, charts and other items expected to be offered in evidence set out in the attached Schedule C:
 - for EMC: Schedule C-1;
 - for Zerto: Schedule C-2;
 - jointly for both parties: Schedule C-3;
 - additional stipulations agreed to by the parties with respect to exhibits, witness and other matters, including demonstrative exhibits: Schedule C-4.

- (d) lists of names and addresses of the potential witnesses to be called by each party, with a statement of any objections to calling, or to the qualifications of, any witness identified on the list;¹
- EMC's witness list is submitted herewith as Schedule D-1.
 - Zerto's witness list is submitted herewith as Schedule D-2.
- (e) stipulations or statements setting forth the qualifications of each expert witness in such form that the statement can be read to the jury at the time the expert witness takes the stand;
- EMC's statement of expert witness qualifications is submitted herewith as Schedule E-1.
 - Zerto's statement of expert witness qualifications is submitted herewith as Schedule E-2.
- (f) a list of all depositions, or portions thereof, to be read into evidence and statements of any objections thereto;
- EMC's list of deposition designations is submitted herewith as Schedule F-1.
 - Zerto's list of deposition designations is submitted herewith as Schedule F-2.
- (g) an itemized statement of special damages;

¹ The parties agree that the name(s) of witnesses and separate lists of exhibits to be used with each witness, along with the order of presentation of the witnesses, will be disclosed by email by 6:00 p.m. two calendar days before the witness is expected to testify. Objections to any exhibits will be provided by 6:00 p.m. the night before the witness is expected to testify, and the parties shall meet and confer by no later than 9:00 p.m. that same night to narrow and/or resolve such objections, through representatives who are authorized to state final positions and make final decisions regarding such matters.

- EMC's itemized statement is submitted herewith as Schedule G-1.
 - Zerto's response to EMC's itemized statement is submitted herewith as Schedule G-2.
- (h) waivers of any claims or defenses that have been abandoned by any party;
- EMC's statement as to any waivers is submitted herewith as Schedule H-1.
 - Zerto's statement as to any waivers is submitted herewith as Schedule H-2.
- (i) for the jury trial:
- (1) trial briefs;
- EMC's trial brief is submitted herewith as Schedule I(i)-1.
 - Zerto's trial brief is submitted herewith as Schedule I(i)-2.
- (2) Three sets of marked proposed jury instructions, verdict forms, and special interrogatories; and
- The parties' proposed jury instructions are submitted herewith as Schedule I(ii)-1.
 - EMC's proposed verdict form is submitted herewith as Schedule I(ii)-2.
 - Zerto's proposed verdict form is submitted herewith as Schedule I(ii)-3.
- (3) a list of the questions the party requests the court to ask prospective jurors in accordance with Fed. R. Civ. P. 47(a) and D. Del. LR 47.1(a);

- EMC's proposed voir dire questions is submitted herewith as Schedule I(iii)-1.
 - Zerto's proposed voir dire questions is submitted herewith as Schedule I(iii)-2.
- (j) proposed *Findings of Fact and Conclusions of Law* for equitable issues are not submitted with this Pre-Trial Order, however, as stated on Schedule J submitted herewith, EMC requests that the Court conduct a bench trial to address Zerto's allegations that certain Asserted Patents are unenforceable due to inequitable conduct, and Zerto requests that the Court conduct a bench trial to address EMC's allegations of willful infringement of the '867 patent. EMC opposes Zerto's request for a bench trial on the issue of willfulness. To the extent EMC's and/or Zerto's request(s) is granted, EMC and Zerto propose to submit proposed *Findings of Fact and Conclusions of Law* in accordance with a schedule set forth by the Court;
- (k) a statement summarizing the history and status of settlement negotiations indicating whether further negotiations are ongoing and likely to be productive – submitted herewith as Schedule K;
- (l) a statement as to whether each party has completed discovery, including the depositions of expert witnesses – submitted herewith as Schedule L; and
- (m) evidentiary issues the parties will be prepared to address at the Pretrial Conference and during trial.
- EMC's list of evidentiary issues it intends to raise is submitted herewith as Schedule M-1.

- Zerto's list of evidentiary issues it intends to raise is submitted herewith as Schedule M-2.

- (3) Trial of this case is expected to take ten days, per the Court's October 1, 2013 Scheduling Order (D.I. 68).
- (4) Indicate the type of trial by placing an X in the appropriate box:
- Jury X Non-jury
- (5) The parties recommend that eight jurors be selected at the commencement of the trial.
- (6) This Order will control the course of the trial and may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.
- (7) Possibility of settlement of this case was considered by the parties. The parties have engaged in good faith efforts to explore the resolution of the controversy by settlement.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Michael J. Flynn

/s/ Monté T. Squire

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SCHEDULE A:

JOINT STATEMENT OF UNCONTESTED FACTS

I. THE PARTIES

1. Plaintiff EMC Corporation is a Massachusetts corporation with a place of business at 176 South Street, Hopkinton, Massachusetts 01748. Plaintiff EMC Israel Development Center ("EIDC") is an Israeli corporation with a place of business at 7 Hamada Street, Herzliya, Israel.

2. Defendant Zerto, Inc. is a Delaware corporation with a place of business at 27-43 Wormwood Street, Suite 530, Boston, MA 02210.

II. BACKGROUND

3. Zerto Ltd., an Israeli entity, was founded on November 12, 2009.
4. On May 11, 2011, Zerto, Inc. was founded as a U.S. entity owned by Zerto Ltd.
5. Zerto, Inc. is a wholly-owned subsidiary of Zerto Ltd.
6. Zerto, Inc. provides data replication software for the enterprise market.
7. Zerto Ltd. designs and develops the Zerto Virtual Replication software product.
8. Zerto, Inc. markets, sells, and offers for sale the Zerto Virtual Replication software product in the United States.

III. THE '867 PATENT

9. U.S. Patent No. 7,577,867 ("the '867 patent") is entitled "Cross Tagging to Data for Consistent Recovery," was filed on February 17, 2006, and issued on August 18, 2009.
10. Ziv Kedem is a named inventor on the '867 patent.
11. Michael Lewin, Yair Heller, Shlomo Ahal, Assaf Natanzon, and Evgeny Drukh are also named inventors on the '867 patent.
12. Neither Zerto, Inc. nor Zerto Ltd. have a license to the '867 patent.

IV. THE '460 PATENT

13. U.S. Patent No. 7,647,460 (“the ’460 patent”) is entitled “Method and Apparatus for Implementing a Remote Mirroring Data Facility Without Employing a Dedicated Leased Line to Form the Link Between Two Remotely Disposed Storage Devices” and issued on January 12, 2010.

14. Robert Wilson, Dennis P.J. Ting, and Mehamood Hosein are named inventors on the ’460 patent.

15. Neither Zerto, Inc. nor Zerto Ltd. have a license to the ’460 patent.

V. THE '222 PATENT

16. U.S. Patent No. 6,073,222 (“the ’222 patent”) is entitled “Using a Virtual Device to Access Data As It Previously Existed in a Data Storage System” and issued on June 6, 2000.

17. Richard Ohran and Michael Ohran are named inventors on the ’222 patent.

18. Neither Zerto, Inc. nor Zerto Ltd. have a license to the ’222 patent.

VI. THE '091 PATENT

19. U.S. Patent No. 7,971,091 (“the ’091 patent”) is entitled “Network Configuration Backup and Restore Operations Using Continuous Data Protection” and issued on June 28, 2011.

20. Scott F. Bingham, Matthew D. Buchman, Upanshu Singhal, John C. Rokicki, and Venkatesha Murthy are named inventors of the ’091 patent.

21. Neither Zerto, Inc. nor Zerto Ltd. have a license to the ’091 patent.

VII. THE '395 PATENT

22. U.S. Patent No. 7,063,395 (“the ’395 patent”) is entitled “Using Pseudosnapshots For Continuous Data Protection Systems to Surface a Copy of Data” and issued on October 13, 2009.

23. Scott F. Bingham, Matthew D. Buchman, Upanshu Singhal, John C. Rokicki, and Venkatesha Murthy are the named inventors of the '395 patent.

24. The '395 patent expires on September 24, 2026.

25. Neither Zerto, Inc. nor Zerto Ltd. have a license to the '395 patent.

SCHEDULE B-1:

JOINT STATEMENT OF CONTESTED ISSUES OF FACT AND LAW

The parties submit the following list of agreed contested issues of fact and law:

I. EMC'S CLAIMS OF INFRINGEMENT

1. Whether EMC has proven that Zerto has indirectly infringed or is indirectly infringing the '460 patent (claims 1, 30, 32, 37, 38, 40, 42, 44, and 45).
2. Whether EMC has proven that Zerto has indirectly infringed or is indirectly infringing the '222 patent (claim 1).
3. Whether EMC has proven that Zerto has indirectly infringed or is indirectly infringing the '395 patent (claims 1, 2, 4, and 8).
4. Whether EMC has proven that Zerto has indirectly infringed or is indirectly infringing the '091 patent (claims 1 and 5).
5. Whether EMC has proven that Zerto has indirectly infringed or is indirectly infringing the '867 patent (claim 45).
6. Whether EMC has proven that Zerto has directly infringed or is directly infringing the '867 patent (claim 45).
7. Whether Zerto is entitled to a declaratory judgment of non-infringement of any asserted claim.

II. EMC'S CLAIM OF WILLFUL INFRINGEMENT

8. If EMC has proven infringement of the '867 patent, whether EMC has proven that Zerto's infringement of the '867 patent was willful.

III. ZERTO'S CLAIMS OF INVALIDITY AND UNENFORCEABILITY

9. Whether Zerto has shown that claims 1, 30, 32, 37, 38, 40, 42, 44, and 45 of the '460 patent are invalid as anticipated by U.S. Patent Number 6,073,209 ("Bergsten").

10. Whether Zerto has shown that claims 1, 30, 32, 37, 38, 40, 42, 44, and 45 of the '460 patent are invalid as anticipated by U.S. Patent Number 5,544,347 ("Yanai").

11. Whether Zerto has shown that claims 1, 30, 32, 37, 38, 40, 42, 44, and 45 of the '460 patent are invalid as obvious in view the combination of Yanai, Bergsten and/or U.S. Patent Number 5,991,813 ("Zarrow").

12. Whether Zerto has shown that claims 1, 2, 4, and 8 of the '395 patent are invalid as anticipated by U.S. Patent Number 7,720,817 ("Stager II").

13. Whether Zerto has shown that claims 1, 2, 4, and 8 of the '395 patent are invalid as anticipated by U.S. Patent Number 7,421,617 ("Anderson").

14. Whether Zerto has shown that claims 1, 2, 4, and 8 of the '395 patent are invalid as anticipated by U.S. Patent Number 7,577,867 ("Lewin").

15. Whether Zerto has shown that claims 1, 2, 4, and 8, of the '395 patent are invalid as obvious in view of Mendocino RecoveryONE ("Mendocino") and EMC Networker PowerSnap Module ("Networker").

16. Whether Zerto has shown that claims 1 and 5 of the '091 patent are invalid as anticipated by Stager II.

17. Whether Zerto has shown that claims 1 and 5 of the '091 patent are invalid as anticipated by Anderson.

18. Whether Zerto has shown that claims 1 and 5 of the '091 patent are invalid as anticipated by Lewin.

19. Whether Zerto has shown that claims 1 and 5 of the '091 patent are invalid as obvious in view of Mendocino and Networker.

20. Whether Zerto has shown that claim 45 of the '867 patent is invalid due to the sale or public use of the Kashya KBX4000 product.

21. Whether Zerto has shown that claim 1 of the '222 patent is invalid as anticipated by U.S. Patent Number 5,664,186 ("Bennett").

22. Whether Zerto has shown that claim 1 of the '222 patent is invalid as anticipated by Implementing Concurrent Copy ("Concurrent Copy").

23. Whether Zerto has shown that claim 1 of the '222 patent is invalid as anticipated by FreezeFrame.

24. Whether Zerto has shown that the '395 patent is unenforceable due to inequitable conduct before the United States Patent and Trademark Office ("USPTO").

25. Whether Zerto has shown that the '091 patent is unenforceable due to inequitable conduct before the USPTO.

26. Whether Zerto has shown that the '867 patent is unenforceable due to inequitable conduct before the USPTO.

27. Whether Zerto has shown that it is entitled to a declaratory judgment of invalidity or unenforceability for any, all, or a combination of the Asserted Patents.

28. Whether EMC has proven that assignor estoppel bars Zerto from challenging the validity or enforceability of the asserted claim of the '867 patent.

IV. DAMAGES

29. Whether EMC has proven that it is entitled to damages.

30. If EMC is entitled to damages, the amount of those damages.

V. INJUNCTIVE RELIEF

31. Whether EMC has proven that it is entitled to a permanent injunction.

VI. ATTORNEYS FEES AND COSTS

32. Whether this is an exceptional case pursuant to 35 U.S.C. § 285.

33. Whether attorney fees, expenses, and/or costs are due to the prevailing party, and the amount.

SCHEDULE C-1:

EMC'S EXHIBIT LIST

EMC provides its trial exhibit list as Attachment A to this Proposed Pretrial Order. EMC reserves the right to add entries to, delete entries from, or modify entries on its exhibit list, as its exhibit list is based on EMC's current knowledge and understanding of the issues to be presented at trial. The inclusion of any exhibit on EMC's exhibit list is not to be construed as an admission as to the admissibility of any exhibit.

SCHEDULE C-2:

ZERTO'S EXHIBIT LIST

Zerto provides its trial exhibit list as Attachment B to this Proposed Pre-trial Order.

Zerto reserves the right to add entries to, delete entries from, or modify entries on its exhibit list, as its exhibit list is based on Zerto's current knowledge and understanding of the issues to be presented at trial. The inclusion of any exhibit on Zerto's exhibit list is not to be construed as an admission as to the admissibility of any exhibit.

SCHEDULE C-3:

JOINT EXHIBIT LIST

The parties provide a joint trial exhibit list as Attachment C to this Proposed Pre-trial Order.

SCHEDULE C-4:

STIPULATIONS REGARDING EXHIBITS, WITNESSES, AND OTHER MATTERS

I. EXHIBIT LISTS

1. The parties agree that any description of an exhibit on any exhibit list is provided for convenience only. Such descriptions shall not be used as an admission or otherwise as evidence regarding any matter.

2. Listing of an exhibit on a party's own exhibit list is not an admission by that party that such exhibit would be relevant or admissible if offered by the opposing party.

3. Each party reserves the right to use exhibits from the other party's exhibit list, even if not separately listed on its own exhibit list, subject to all evidentiary objections. Neither party will remove an exhibit from its exhibit list without agreement from the other party, unless the other party is provided the opportunity to add such exhibit to its own exhibit list.

4. Each party reserves the right to use and offer into evidence solely for purposes of impeachment exhibits that were not set forth on its exhibit list.

II. DOCUMENTS CONTAINING JUDICIAL ADMISSIONS

8. A party may read at trial (subject to such rulings as the Court may make as to admissibility) a factual statement made by or on behalf of its party-opponent in any of such party opponent's pleadings, initial disclosures, responses to interrogatories, responses to requests for admissions, or any amendment to or supplementation thereof, without any need for the offering party to have included the document being read from on its trial exhibit list, provided that the party seeking to read such statement provides notice by e-mail to the other party by 6:00 p.m. two calendar days preceding the day on which such statement is intended to be presented at trial.

III. IDENTIFICATION OF TESTIFYING WITNESSES AND ASSOCIATED EXHIBITS

9. Each party will give notice by e-mail to the other party of (a) the name of any witness it expects to or may present at trial for direct examination and (b) the exhibit number of any exhibits that it expects to or may use during the direct examination of each such witness, by 6:00 p.m. EDT two calendar days preceding the day on which such witnesses are intended to be presented at trial on direct examination.

10. The party receiving identification of such exhibits shall inform the party identifying such exhibits of any objections by 6:00 p.m. EDT on the day following receipt, and the parties shall meet and confer by no later than 9:00 p.m. EDT that same day to narrow and/or resolve such objections, through representatives who are authorized to state final positions and make final decisions regarding such matters.

11. The foregoing schedule shall be applied regardless of whether any particular calendar date is a Saturday, Sunday or holiday. For example, as to witnesses who may be presented for direct examination at trial on Monday, April 27, 2015, the witnesses and the exhibit numbers of the associated exhibits that may be used during each such witness's direct examination shall be identified by e-mail before 6:00 p.m. EDT on Saturday, April 25, 2015.

IV. DEMONSTRATIVE TRIAL EXHIBITS

12. The parties agree that demonstrative trial exhibits ("demonstratives") need not be listed on the parties' exhibit lists in the Pretrial Order, but rather should be handled in accordance with the protocol set forth in this Schedule, subject to the proviso that demonstratives may not be used to present exhibits for which advance disclosure was required under ¶ 9 hereof if such advance disclosure was not made as required in ¶ 9 hereof.

13. The party seeking to use a demonstrative will provide to the other side by e-mail a color representation of such demonstrative in PDF, PowerPoint, or some other commonly viewable format, except that in the case of video or animations, the party seeking to use such demonstrative will provide it to the other side on a DVD, CD, USB drive, FTP site, by email, or any other common media format. For irregularly sized physical demonstratives, the party seeking to use such demonstratives will provide a color representation as a PDF of 8.5 x 11 inch copies of the demonstrative.

14. Each party will provide, by e-mail or courier, a copy of such demonstratives by 6:00 p.m. EDT on the calendar day preceding the day on which such demonstratives are intended to be used at trial. For example, PDFs of such demonstratives intended for use at trial on Monday April 27, 2015 would be exchanged by e-mail before 6:00 p.m. EDT on Sunday, April 26, 2015.

15. The party receiving identification of such demonstratives shall inform the party identifying such demonstratives of any objections by 9:00 p.m. EDT on the day of receipt, and the parties shall meet and confer as soon as possible thereafter that evening to narrow and/or resolve such objections, through representatives who are authorized to state final positions and make final decisions regarding such matters.

16. The foregoing schedule shall be applied regardless of whether any particular calendar date is a Saturday, Sunday, or holiday.

17. To the extent that any objections to such a demonstrative remain unresolved after the parties have met and conferred as provided above, the parties agree to raise any such unresolved objections with the Court before the demonstrative in question is presented at trial.

18. The advance notification provisions for demonstratives do not apply to such exhibits (a) used in closing statements, (b) created in the courtroom during live testimony, or

(c) that contain only excerpts, enlargements, and/or simple highlighting or ballooning of exhibits listed on either party's trial exhibit list.

19. EMC's demonstratives will be marked for identification during trial with PDX numbers. Zerto's demonstratives will be marked for identification during trial with DDX numbers.

V. RULE 1006 EXHIBITS

20. The parties agree that the parties may continue to add Rule 1006 exhibits to their respective trial exhibit lists up to one week prior to the April 7, 2015 pre-trial conference.

VI. CONTINUING CONFERRAL BY THE PARTIES TO FURTHER NARROW ISSUES

21. The parties have agreed to continue to work together following the filing of this Pre-Trial Order to further refine their respective lists of trial exhibits and objections thereto, their lists of deposition designations and objections and counter-designations thereto, the proposed jury instructions and objections thereto, and the proposed verdict forms, in order to narrow the issues that the Court may be called upon to resolve. The parties thus anticipate that prior to the April 7, 2015 pre-trial conference, and/or prior to the start of trial on April 27, 2015, they may file updated lists of trial exhibits and objections thereto, updated lists of deposition designations and objections and counter designations thereto, an updated set of proposed jury instructions and objections thereto, and an updated verdict form.

22. The parties agree to confer as necessary to resolve any issues relating to the quality and accuracy of exhibits following the exchange of exhibit copies.

SCHEDULE D-1:

EMC'S WITNESS LIST

EMC identifies the following potential fact and expert witnesses whom it will or may call at trial, excluding such rebuttal witnesses (who are not presently identifiable) as may be necessary.

Each name listed is accompanied by (a) the witness's address, (b) an indication of whether the witness *will* be called in the absence of reasonable notice to opposing counsel to the contrary, and which *may* be called as a possibility only, and (c) a statement of any objections provided by Zerto to calling, or to the qualifications of, any of the witnesses on EMC's list. With respect to the EMC expert witnesses listed below, statements of the subject-matter of their testimony and their qualifications are provided in Schedule E-1 to this Pretrial Order. Witnesses are listed alphabetically in each category and no representation is made as to the order in which fact or expert witnesses might be called at trial.

This list does not constitute (a) a commitment that EMC will call any particular witness at trial, (b) a representation that any of the witnesses listed are available or will appear for trial, or (c) an agreement or acknowledgement that an instruction of any kind would be warranted if any witness listed below is not called at trial.

If any listed witness should prove to be unavailable at time of trial, EMC reserves the right to use such witness's deposition testimony.

EMC also reserves the right to (a) call any witnesses listed or called by Zerto, (b) substitute witnesses, to the extent that the employment of any listed witness changes or the witness otherwise becomes unavailable for trial, (c) call additional witnesses to provide foundational testimony should Zerto contest the authenticity or admissibility of any exhibit

offered into evidence at trial; and (e) amend its witness list in light of further rulings by the Court or any other changed circumstances.

A. FACT WITNESSES

Name	Address	Will/May	Objections by Zerto
Hank Chen	EMC Corporation 176 South Street Hopkinton, MA 01748	May	
Christos Karamanolis	VMware, Inc. 3401 Hillview Ave. Palo Alto, CA 94304	May	Irrelevant; not properly identified during discovery
Allan Lipka	EMC Corporation 176 South Street Hopkinton, MA 01748	May	
Assaf Natazon	EMC Corporation 176 South Street Hopkinton, MA 01748	May	
Barbara Robidoux	EMC Corporation 176 South Street Hopkinton, MA 01748	Will	Not properly identified during discovery
John Rokicki	EMC Corporation 176 South Street Hopkinton, MA 01748	Will	
Dennis Ting	EMC Corporation 176 South Street Hopkinton, MA 01748	May	
Bob Wilson	EMC Corporation 176 South Street Hopkinton, MA 01748	May	

B. EXPERT WITNESSES

Name	Address	Will/May	Objections by Zerto
Phillip Green	Hoffman Alvary & Company LLC Seven Wells Avenue Newton, MA, 02459 U	Will	702, 703
Ian Jestice	2815 S. Main street Soquel, CA 95073	Will	702, 703

SCHEDULE D-2:

ZERTO'S WITNESS LIST

Zerto identifies the following potential fact and expert witnesses whom it will or may call at trial, excluding such rebuttal witnesses (who are not presently identifiable) as may be necessary.

Each name listed is accompanied by (a) the witness's address, (b) an indication of whether the witness *will* be called in the absence of reasonable notice to opposing counsel to the contrary, and which *may* be called as a possibility only, and (c) a statement of any objections provided by EMC to calling, or to the qualifications of, any of the witnesses on Zerto's list.

With respect to the Zerto expert witnesses listed below, statements of the subject-matter of their testimony and their qualifications are provided in Schedule E-2 to this Pretrial Order. Witnesses are listed alphabetically in each category and no representation is made as to the order in which fact or expert witnesses might be called at trial.

This list does not constitute (a) a commitment that Zerto will call any particular witness at trial, (b) a representation that any of the witnesses listed are available or will appear for trial, or (c) an agreement or acknowledgement that an instruction of any kind would be warranted if any witness listed below is not called at trial.

If any listed witness should prove to be unavailable at time of trial, Zerto reserves the right to use such witness's deposition testimony.

Zerto also reserves the right to (a) call any witnesses listed or called by EMC, (b) substitute witnesses, to the extent that the employment of any listed witness changes or the witness otherwise becomes unavailable for trial, (c) call additional witnesses to provide foundational testimony should EMC contest the authenticity or admissibility of any exhibit

offered into evidence at trial; and (e) amend its witness list in light of further rulings by the Court or any other changed circumstances.

A. FACT WITNESSES

Name	Address	Will/May	Objections by EMC
Paul Allerhand	56 Mandalay Road Newton, MA 02459	May	
Curtis Anderson	13074 Montrose Street Saratoga, CA 95070	May	
Jennifer Gill	Zerto, Inc. 27-43 Wormwood Street Suite 530 Boston, MA 02210	May	
Paul Zeiter	Zerto, Inc. 27-43 Wormwood Street Suite 530 Boston, MA 02210	May	
Richard Mayfield	2748 Camino Segura Pleasanton, CA 94566	May	
Oded Kedem	Zerto, Inc. 27-43 Wormwood Street Suite 530 Boston, MA 02210	Will	701, 702, 703
Ziv Kedem	Zerto, Inc. 27-43 Wormwood Street Suite 530 Boston, MA 02210	Will	

B. EXPERT WITNESSES

Name	Address	Will/May	Objections by EMC
Russell Parr	1004 Buckingham Way Yardley, PA 19067	Will	702, 703
Erez Zadok	Computer Science Dept. 2313-B Comp. Sci. Bldg. Stony Brook University Stony Brook, NY 11794	Will	702, 703

SCHEDULE E-1:

**EMC'S STATEMENT OF EXPERT WITNESS
QUALIFICATIONS AND SUBJECT MATTER**

I. PHILIP GREEN, C.P.A., A.S.A, C.M.A.

A. Background/Qualifications

Mr. Green has over 20 years of experience advising clients in the area of intellectual property valuation and licensing. Mr. Green specializes in the valuation and licensing of patents, trademarks, copyrights, and trade secrets. Mr. Green regularly negotiates intellectual property licenses, values intellectual property portfolios, and assesses the appropriate measure of damages for intellectual property infringement for his clients.

Mr. Green is one of four founding principals in the consulting firm of Hoffman Alvary & Company LLC. Prior to founding his firm, Mr. Green was a senior manager in the Dispute Analysis and Corporate Recovery Services practice of Price Waterhouse LLP, an international accounting and consulting firm.

Mr. Green is a Certified Public Accountant and a Certified Management Accountant. Mr. Green is accredited in Business Valuation by the American Institute of Certified Public Accountants and is designated as an Accredited Senior Appraiser by the American Society of Appraisers. Mr. Green has an M.B.A. with a concentration in Accounting from the Rutgers Graduate School of Management.

B. Subject Matter

Mr. Green is expected to testify on the subject of damages and harm to EMC, as set out in his expert report and pre-trial testimony. Mr. Green is also expected to testify regarding the opinions of Zerto's damages expert, Mr. Russell Parr, and any other issues reflected in or relating to Mr. Green's expert report.

Mr. Green's testimony is also expected to respond to any damages issues raised after his pre-trial testimony, including issues raised at trial.

II. IAN JESTICE

A. Background/Qualifications

Mr. Jestice has over forty years of professional, hands-on experience in computer technology and telecommunications. He specializes in file systems, data storage, and computer interfaces. He worked for IBM in the 1970s, where he helped develop the Winchester disk drive, which is an early hard drive similar to the hard drives found in desktops and laptops today. He later worked for Amdahl/Fujitsu in its computer storage division, where he wrote software for magnetic, solid state, and cached disk storage systems, and performed diagnostic testing on data storage devices such as disk arrays, RAIDs, tape drives, solid state disks, and optical "juke boxes."

Mr. Jestice was a co-founder of Zadian Technologies, a company that produced test equipment and software for data storage devices, where he designed and wrote automated tests for the verification of data storage devices and implemented the company's data network. At Zadian, he also presented training seminars on the SCSI interface between computers and peripheral devices, such as hard drives.

In his other experience, Mr. Jestice has designed and built digital file storage systems, databases, networks, and embedded systems as parts of large scale telecommunications systems for his clients. Mr. Jestice has also provided forensic analysis on data storage devices and file systems. Mr. Jestice is fluent in numerous programming languages.

B. Subject Matter

Mr. Jestice is expected to testify regarding (a) the operation of the accused product, (b) Zerto's infringement of the Asserted Patents, (c) the validity of the Asserted Patents,

including over the alleged prior art, (d) the portion of the accused product's value that is attributable to the inventions claimed in the Asserted Patents, (e) the level of ordinary skill in the art at the times that the respective Asserted Patents were filed, (f) the state of the art at the times that the respective Asserted Patents were filed, (g) the opinions of Zerto's technical expert, Dr. Erez Zadok, and (h) any other issues reflected in or relating to his opening, rebuttal, or supplemental expert reports, as set out in his expert reports and pre-trial testimony.

Mr. Jestice's testimony is also expected to respond to any issues concerning infringement, validity, enforceability or damages that are raised after his pre-trial testimony, including issues raised at trial.

SCHEDULE E-2:

**ZERTO'S STATEMENT OF EXPERT WITNESS
QUALIFICATIONS AND SUBJECT MATTER**

I. RUSSELL L. PARR, C.F.A., A.S.A., C.L.P.

A. Background/Qualifications

Mr. Parr has over thirty years of experience in the area of intellectual property valuation and royalty rate consulting for use by his clients in license negotiations. He has a Masters in Business Administration and a Bachelor of Science in Electrical Engineering from Rutgers University.

Mr. Parr is the President of IPRA Inc., an independent consulting firm that provides services including financial analysis and valuation assessments relating to intellectual property. He has published three books regarding royalty rates at which intellectual property is licensed and is also a co-author of additional books on the valuation of management of intellectual property. Additionally, Mr. Parr has been a guest speaker regarding intellectual property matters at over forty professional conferences.

Mr. Parr has been awarded the professional designations of Chartered Financial Analyst from the CFA Institute, Accredited Senior Appraiser from the American Society of Appraisers, and Certified Licensing Professional from the Licensing Executive Society.

B. Subject Matter

Mr. Parr is expected to testify on the subject of damages, as set out in his expert report and pre-trial testimony. Mr. Parr is also expected to testify regarding the opinions of EMC's damages expert, Mr. Philip Green, and any other issues reflected in or relating to Mr. Parr's expert report and his deposition testimony.

Mr. Parr's testimony is also expected to respond to any damages issues raised after his pre-trial testimony, including issues raised at trial.

II. DR. EREZ ZADOK, Ph.D.

A. Background/Qualifications

Dr. Zadok has over thirty years of professional, hands-on experience in computer systems and technology. He is an Associate Professor in the Computer Science Department at Stony Brook University and directs the Filesystems and Storage Lab in Stony Brook's Computer Science Department. Dr. Zadok's research specializes in file systems and storage systems, operating systems, energy efficiency, performance and benchmarking, information technology and system administration, security, networking, compilers, and software engineering.

In the 1990s, Dr. Zadok was a full-time systems administrator at Columbia University's Computer Science department, where he was responsible for providing reliable, convenient, high-speed storage management and backups using various backup/restore systems and software. Later on, while working towards his Ph.D. thesis on versatile file system development, Dr. Zadok served as manager to the entire Information Technology staff at Columbia University. He also consulted for SOS Corporation and HydraWEB Technologies, as a systems administrator and programmer, often managing data storage use and backup/restore duties, among other roles. Since 1995, Dr. Zadok has taught courses on operating systems, storage and file systems, advanced systems programming in Unix/C, systems administration, and more.

Dr. Zadok has also published over 100 refereed publications, covering a wide range of technologies such as file systems, storage systems, security, performance benchmarking and optimization, and energy efficiency. He has also published a book covering systems administration topics related to network storage. Dr. Zadok is also currently serving as co-chair

to the 13th USENIX conference on File and Storage Technologies, a premiere conference in the area of storage technologies.

Dr. Zadok has also personally developed techniques and code to migrate, backup, clone, replicate, version, and snapshot data. He has consulted in areas relating to secure storage and applications' data security, and has developed many file systems and operating system extensions including a snapshotting and sandboxing file system, a load balancing and replication/mirroring file system, and a Web-based backup system. Dr. Zadok is a named inventor on two pending United States patent applications and two issued patents.

B. Subject Matter

Dr. Zadok is expected to testify regarding (a) the operation of the accused product, (b) Zerto's non-infringement of the Asserted Patents, (c) the invalidity of the Asserted Patents, including over the identified prior art, (d) the portion of the accused product that is accused of infringing the inventions claimed in the Asserted Patents, (e) the level of ordinary skill in the art at the times that the respective Asserted Patents were filed, (f) the state of the art at the times that the respective Asserted Patents were filed, (g) the opinions of EMC's technical expert, Mr. Ian Jestice, and (h) any other issues reflected in or relating to Dr. Zadok's opening or rebuttal expert reports, as set out in his expert report and pre-trial testimony.

Dr. Zadok's testimony is also expected to respond to any issues concerning infringement, invalidity, enforceability, or damages that are raised after his pre-trial testimony, including issues raised at trial.

SCHEDULE F-1:

EMC'S LIST OF DEPOSITION DESIGNATIONS

EMC hereby submits this initial list of prior testimony for use at trial.

EMC reserves the right to use any and all of its initial designations as counter-designations to Zerto's initial designations. EMC also reserves the right to supplement its designations, including designations for authenticity and/or other admissibility purposes.

EMC has not fully designated prior testimony of those witnesses Zerto has indicated they will call live at the trial. Should Zerto decide not to call such witnesses, EMC reserves the right to designate the prior testimony of those witnesses.

EMC has endeavored to include on its Exhibit List (Schedule C-1) all documents discussed in the below designated testimony. To the extent any such exhibit was inadvertently omitted, it is to be considered included within the exhibits EMC expects to introduce at trial.

The witnesses' testimony identified in this submission are:

1. Deposition of Rapidparts, Inc. (Zach Dickinson)
2. Deposition of UGL Unicco (Darrell Stymiest)
3. Deposition of GoDaddy, Inc. (Keena Willis)
4. Deposition of Richard Ohran
5. Deposition of Michael Ohran
6. Deposition of Richard Mayfield
7. Deposition of Paul Allerhand
8. Deposition of Paul Zeiter
9. Deposition of Jennifer Gill
10. Deposition of Zerto Ltd. (Oded Kedem)
11. Deposition of Oded Kedem

Deponent: Rapidparts, Inc. (Dickinson, Zach) Deposition Date: December 3, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS ²	ZERTO'S COUNTER- DESIGNATIONS ³		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
7:10	9:24	401, 403, 701, 802	15:1	18:12	NNFF, 401/402, 403		
10:14	10:18	401, 403, 701, 802, 901	10:20	10:23	401/402, 403		
10:25	12:17	401, 403, 602, 701, 802	15:25	18:12	NNFF, 401/402, 403		
12:25	13:4	401, 403, 602, 701, 802	13:6	14:4			
14:6	14:12	401, 403, 602, 701, 802	14:13	15:19	NNFF, 401/402, 403		
15:20	15:24	401, 403, 701, 802	15:25	18:12	NNFF, 401/402, 403		
18:14	21:24	401, 403, 602, 701, 802	28:1	28:18	401/402, 403, 602		
25:19	27:18	401, 403, 701, 802, 901					
29:5	29:11	401, 403, 602, 701, 802					

² Zerto additionally maintains the objections stated on the record for this and all other depositions.

³ EMC disputes that Zerto may use during EMC's case-in-chief any counter-designations that EMC has marked herein as "[NNFF]." Where a Zerto counter-designation is followed by the notation "[NNFF]," EMC contends that the counter-designated testimony does not constitute testimony that in fairness should be considered with the part that EMC designated, as per F.R.C.P. 32(a)(6) or that in fairness ought to be considered at the same time as the indicated testimony that Zerto designated, as per F.R.E. 106.

Deponent: UGL Unicco (Stymiest, Darrell)							
Deposition Date: October 30, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
7:16	7:20	401					
8:10	16:17	401, 403, 602, 701, 802					
18:19	19:17	401, 403, 602, 701, 802					
21:4	21:7	401, 403, 602, 701, 802					
27:14	27:25	401, 403, 602, 701, 802	26:11	27:13	NNFF, 401/402, 403		
28:8	29:13	401, 403, 602, 701, 802	29:14 37:25	32:19 38:7	NNFF, 401/402, 403		
33:3	33:5	401, 403, 602, 701, 802					
34:23	36:13	401, 403, 602, 701, 802					

Deponent: GoDaddy, Inc. (Willis, Keena)							
Deposition Date: December 18, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
7:7	8:21	401, 403, 802	9:1	9:17	401/402, 403		
9:20	9:23	401, 403, 602	10:1	11:3	401/402, 403		
11:5	13:23	401, 403, 602, 701, 802	20:16	23:14	NNFF		

Deponent: GoDaddy, Inc. (Willis, Keena) Deposition Date: December 18, 2014							
17:13	17:16	401, 403, 602, 701, 802					
17:20	18:25	401, 403, 602, 701, 802	24:16	30:6	403	13:24 30:16	15:4 33:20
19:19	20:6	401, 403, 602, 701, 802	24:16	30:6	403	13:24 30:16	15:4 33:20
31:13	33:20	401, 403, 602, 701, 802	24:16	30:6	403	13:24 30:16	15:4 31:12

Deponent: Ohran, Richard Deposition Date: September 16, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
38:17	40:18						
53:12	54:13						
67:24	71:8						
77:23	78:8						
89:5	89:19						
104:9	105:4						

Deponent: Ohran, Michael Deposition Date: September 17, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
26:25	28:1						
28:9	29:9						
29:17	32:10						

Deponent: Ohran, Michael Deposition Date: September 17, 2014							
34:1	34:14						
41:20	43:1						
60:4	60:15						
110:11	111:20						
117:15	118:9						
118:15	119:5						
121:24	122:7						
123:1	124:18						
126:19	127:21						

Deponent: Mayfield, Richard Deposition Date: September 12, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
49:5	51:20		51:21	52:10	602		
52:11	52:20						
57:9	57:24						

Deponent: Allerhand, Paul Deposition Date: November 12, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
12:2	16:9						
17:2	17:20						
24:5	24:17	401, 403, 602					

Deponent: Allerhand, Paul Deposition Date: November 12, 2014							
35:19	42:20	401, 403, 602	67:1	68:18	NNFF, 401/402, 403		
48:17	59:14						
60:8	62:12						
62:22	63:9						
64:13	66:20						
69:16	71:15						
73:12	74:4						
74:11	75:18						
76:9	82:21						
84:8	94:17	401, 403, 602					
95:8	110:20	401, 403, 602					
102:1	102:21						
117:15	119:6	401, 602, 701, 801	114:23	117:13	401/402		
121:7	121:16	401, 602, 701, 801	119:10 121:17	121:6 121:21			
123:19	124:17		124:18	126:16			
126:20	130:1						
136:21	140:16						
141:6	143:11	401, 403, 602					
161:16	162:4	401, 602, 701, 801					
164:16	165:4	401, 403					
169:7	170:7						
172:13	173:15						
179:4	179:8	401, 602, 701, 801					
179:10	182:9	401, 602, 701, 801					

Deponent: Zeiter, Paul Deposition Date: September 16, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
10:1	11:24	401, 403					
11:23	12:7	401, 403					
12:8	12:24	401, 403					
13:12	17:12	401, 403					
20:24	21:19						
32:15	33:20	401, 602, 403					
36:1	38:7	401, 602, 403					
37:24	38:12						
45:17	46:21	401, 602, 403					
45:17	47:1						
53:15	59:18						
57:4	57:21						
63:3	65:16						
65:22	66:20		66:21	70:13	NNFF, 401/402, 403		
70:21	81:21						
74:1	74:22						
83:18	85:2						
86:10	86:15						
94:7	94:24						
98:15	103:3						
103:16	104:17						
106:3	107:9						
107:11	110:12		110:13	113:12	NNFF, 401/402, 403		

Deponent: Zeiter, Paul							
Deposition Date: September 16, 2014							
108:6	108:15						
114:7	114:20						
115:4	118:24						
115:40	117:1						
117:14	120:7						
120:16	124:5						
136:23	137:17	401, 602, 403, 701, 802					
137:1	137:20						
139:5	142:23	401, 403, 701, 802	142:24	143:22	401/402, 403	143:23	145:10
150:14	151:13	401, 602, 403, 701, 802	146:3	150:10	NNFF, 401/402, 403		
155:14	161:24	401, 602, 403, 701, 802					
162:16	168:20						
169:8	173:5		173:6	174:9			
174:10	176:10						
177:5	179:19						
196:14	198:18	401, 602, 403, 701	198:19	200:2	NNFF, 401/402, 403		
221:5	221:12	401, 602, 403, 701	208:22	214:7	NNFF, 401/402, 403		
229:17	230:5	401, 602, 403					
244:20	244:23						

Deponent: Gill, Jennifer Deposition Date: September 17, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
8:16	9:17						
11:6	12:9						
12:11	14:14	401, 403					
23:3	23:24	401, 403, 602					
34:3	34:11						
35:9	36:6						
38:20	39:11						
40:7	43:19	401, 403, 602, 802					
44:15	45:11	401, 403					
46:21	54:4						
96:10	98:24	401, 403					
104:9	110:8	401, 403, 602, 802					
105:7	109:22						
117:14	118:2						
118:9	122:9	401, 403, 602, 802					
139:13	145:2	401, 403, 602, 701, 802					
146:16	146:21	401, 403, 602, 701					
146:24	148:20	401, 403, 602, 701					
148:24	157:18	401, 403, 602, 701					

Deponent: Gill, Jennifer							
Deposition Date: September 17, 2014							
159:11	159:16	401, 403, 602, 701					
159:21	160:20	401, 403, 602, 701					
165:1	168:1	401, 403, 602, 701					
172:18	174:10	401, 403, 602, 701					

Deponent: Zerto Ltd. (Kedem, Oded)							
Deposition Date: October 29-30, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER-DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER-DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
9:4	9:6						
9:13	9:20						
45:7	46:12						
51:7	52:11						
54:8	55:1						
55:15	55:19						
55:23	56:6						
68:24	69:19						
70:15	70:24						
71:18	72:4						
75:4	83:19						
83:22	85:12						
86:10	88:24						
89:12	89:22						
92:5	93:18						

Deponent: Zerto Ltd. (Kedem, Oded) Deposition Date: October 29-30, 2014							
93:8	93:12						
93:19	94:1						
98:16	104:3	403, 602, 802					
106:1	106:9						
108:13	108:21						
114:6	114:18						
123:19	123:24						
127:24	128:11						
129:5	129:14						
130:18	131:13						
132:18	133:9						
134:19	136:2						
140:13	141:23						
142:2	143:9						
156:19	157:11						
162:6	162:18						
163:1	163:9						
164:1	165:24						
167:12	168:19						
169:2	169:13						
171:1	171:24						
172:16	172:22						
175:13	177:17						
178:9	178:13						
179:7	180:6						
180:18	181:6						
182:12	183:9						
185:6	185:18						
186:18	187:24						
191:8	192:9						

Deponent: Zerto Ltd. (Kedem, Oded)							
Deposition Date: October 29-30, 2014							
192:3	193:5						
194:24	195:7						
201:8	202:4	602					
204:20	205:6						
211:17	212:6						
218:21	218:24						
243:20	244:6	602					
284:22	286:2						
286:18	286:23						
287:19	288:12						
299:7	299:16						
308:20	309:17						

Deponent: Kedem, Oded							
Deposition Date: October 30, 2014							
EMC'S DESIGNATIONS		ZERTO'S EVIDENTIARY OBJECTIONS	ZERTO'S COUNTER- DESIGNATIONS		EMC'S EVIDENTIARY OBJECTIONS	EMC'S COUNTER-COUNTER- DESIGNATIONS	
From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)		From (Page:Line)	To (Page:Line)
318:21	319:2	602					
388:5	388:10	401, 403					

SCHEDULE F-2:

ZERTO'S LIST OF DEPOSITION DESIGNATIONS

Zerto hereby submits this initial list of prior testimony for use at trial.

Zerto reserves the right to use any and all of its initial designations as counter-designations to EMC's initial designations. Zerto also reserves the right to supplement its designations, including for authenticity and/or other admissibility purposes.

Zerto has not designated prior testimony of those witnesses EMC has indicated they will call live at the trial including, in particular, John Rokicki and Dennis Ting. Should EMC decide not to call such witnesses, Zerto reserves the right to designate the prior testimony of those witnesses.

Zerto has endeavored to include on its Exhibit List (Schedule C-2) all documents discussed in the below designated testimony. To the extent any such exhibit was inadvertently omitted, it is to be considered included within the exhibits Zerto expects to introduce at trial.

The witnesses whose testimony is identified in this submission are:

1. Curtis Anderson
2. Scott Bingham
3. Hank Chen
4. William Clark
5. Sara Jones
6. Allan Lipka
7. Richard Mayfield
8. Michael Ohran
9. Richard Ohran
10. Edmund Walsh

11. Robert Wilson

EMC Corporation, et al. v. Zerto, Inc.**12-cv-956 (GMS)****Defendant's Deposition Designations*****Witness: Curtis Anderson****Date of Deposition: November 4, 2014**

Initial Designations					Counterdesignations				Counter Counter Designation				
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line
5	5	5	20										
6	24	10	24	401/402, 403, 602, 701	12	10	12	25	401, 403	10	25	12	9
13	2	30	18	401/402, 403, 602, 701					602				
31	1	35	20	401/402, 403, 602, 701									
36	5	38	8		40	11	41	1	401, 403	38	21	39	19
43	6	47	6	701					602				
47	15	50	24										

* EMC additionally maintains the objections stated on the record for this and all other depositions.

EMC Corporation, et al. v. Zerto, Inc.
12-cv-956 (GMS)
Defendant's Deposition Designations

Witness: Barry Burke

Date of Deposition: October 31, 2014

Initial Designations					Counterdesignations				
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections
6	16	6	18						
16	10	18	5	602, 701					
18	8	23	20	602, 701, 802					
24	1	24	13	602, 701, 802	23 24	21 14	23 24	24 21	401, 407 401, 407
25	19	28	7	602, 701					
28	12	29	22	602, 701					
32	10	35	1	602, 701, 802	35	2	35	16	401, 403
36	3	38	8	602, 701, 802					
38	11	41	1	602, 701	41	2	42	21	401, 403, 701
47	3	48	22	401/402, 403, 602, 701, 802					
50	1	52	22	602, 701, 802					
54	18	55	14	401/402, 403, 602, 701, 802					

EMC Corporation, et al. v. Zerto, Inc. 12-cv-956 (GMS) Defendant's Deposition Designations									
Witness: Hank Chen									
Date of Deposition: November 12, 2014									
Initial Designations					Counterdesignations				
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections
5	16	5	19						
6	17	6	24						
				Outside the Scope of 30(b)(6), 401/402, 403, 602	8 15 25	7 8 21	8 15 26	23 22 10	401, 403 401, 403 401, 403, 602
27	12	30	23						
38	18	40	22						

EMC Corporation, et al. v. Zerto, Inc. 12-cv-956 (GMS) Defendant's Deposition Designations									
Witness: William Clark									
Date of Deposition: October 24, 2014									
Initial Designations					Counterdesignations				
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections
5	8	5	10						
29	7	29	18	602	28	13	29	6	401, 403
31	8	36	7	802	36	8	36	19	401, 403
37	15	40	13		40	14	41	10	401, 403
41	11	43	18		40	14	41	10	
43	24	45	21						
46	2	48	24						
49	9	50	17	611					
55	11	56	10	611					
63	19	67	13	401/402, 403, 602	56 67	11 14	63 67	18 19	401, 403 401, 403
71	13	74	16	401/402, 403, 602, 611					
74	23	75	19	401/402, 403, 602, 611					
75	23	76	14	401/402, 403, 602, 611					

Date of Deposition: November 12, 2014

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Date of Deposition: October 28, 2014

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Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line
100	2	102	11	401/402, 403, 611, 701, 802	104	22	106	17					
110	8	115	20	401/402, 403, 602, 611, 701, 802									
116	14	120	18	401/402, 403, 602, 611, 701, 802	121	8	123	5	401, 403, 701				

EMC Corporation, et al. v. Zerto, Inc.
12-cv-956 (GMS)
Defendant's Deposition Designations

Witness: Richard Mayfield

Date of Deposition: September 12, 2014

Initial Designations					Counterdesignations					Counter Counter Designation			
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line
5	7	5	24										
11	4	13	18	401/402, 701									
15	3	15	5										
15	13	15	23	401/402, 602, 802	14	18	14	22		13	19	14	17
16	17	18	18	401/402, 701	18	19	19	4	401, 403, 701				
20	1	22	10	401/402, 701									
22	14	25	18	401/402, 701									
26	2	27	6	401/402, 602, 701									
27	13	27	16										
28	25	29	23	401/402, 701	27	18	28	24	401, 403, 701				
30	15	31	16	401/402, 701	31	17	32	25	401, 403				
33	1	35	3	401/402, 701									
36	24	37	9	401/402, 701									
38	5	38	13	401/402	39	9	39	16		39	17	41	8
41	11	41	17	401/402, 602, 802	41	18	42	2	401, 403				
42	23	43	10	401/402, 602									
51	21	52	10	401/402, 602	52	11	52	20	401, 403, 602				
54	4	56	4	401/402, 701	57	9	57	24	401, 403, 701	58	1	61	18

EMC Corporation, et al. v. Zerto, Inc.

12-cv-956 (GMS)

Defendant's Deposition Designations

Witness: Michael Ohran

Date of Deposition: September 17, 2014

Initial Designations					Counterdesignations					Counter Counter Designation			
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line
5	19	5	24										
28	2	28	8		26	25	28	1	401, 403				
					28	9	29	9		29	10	29	16
					29	17	32	10		32	11	33	6
34	15	35	2	401/402, 602, 701	34	1	34	14	401, 403, 701				
43	2	43	24	401/402	41	20	43	1	401, 403				
47	9	47	14	401/402, 602									
48	7	57	16	401/402, 602, 802	60	4	60	15	401, 403				
64	4	65	16	401/402, 602, 802									
67	21	70	23	401/402, 602, 701, 802									
76	6	81	22	401/402, 602									
108	4	110	10		110	11	111	20	401, 403, 701				
116	9	117	14	401/402, 602	117	15	118	9	401, 403, 701				
					118	15	119	5	401, 403, 701				
					121	24	122	7	401, 403, 701				
124	22	126	18	401/402, 602, 701, 802	123	1	124	18	401, 403, 701				
127	22	134	21	401/402, 602, 701, 802	126	19	128	1	401, 403, 701				

EMC Corporation, et al. v. Zerto, Inc.**12-cv-956 (GMS)****Defendant's Deposition Designations****Witness: Richard Ohran****Date of Deposition: September 16, 2014**

Initial Designations					Counterdesignations				
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections
5	9	5	12						
26	24	29	10	401/402, 701					
29	19	31	5						
34	12	34	23	401/402, 602					
51	2	53	11	701	53	12	54	13	401, 403
					38	17	40	18	401, 403, 407
54	14	55	4	701	55	5	55	12	401, 701
55	15	57	8		57	9	59	10	401, 403
64	22	67	23	401/402, 602, 701	67	24	71	8	401, 403, 602
71	9	74	3	401/402, 602, 701					
76	18	79	9	602					
85	14	86	21	802	86	22	87	19	401, 403, 701, 602
87	20	87	25						
88	13	89	4	401/402, 602, 701	89	5	89	19	401, 403, 602
89	20	90	14	401/402					
101	8	104	8	401/402, 602	104	9	105	4	401, 403, 602
105	5	106	4	401/402, 602					

Date of Deposition: September 18, 2014

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Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line
29	7	29	13	401/402, 403, 602, 611, PR									
29	17	29	17	401/402, 403, 602, 611, PR	29	18	30	10					
31	2	31	24	401/402, 403, 602, 611, PR									
32	4	32	16	401/402, 403, 602, PR									
33	16	35	16	401/402, 403, 602, PR									
36	9	36	19	401/402, 403, 602, PR									
37	13	37	17	401/402, 403, 611, Not Testimony	37	18	38	5		32	17	33	15
38	6	43	24	401/402, 403, 602, 611, 701, 702, PR	10 10 52	11 24 21	10 11 54	13 2 21	401, 403, 602, 701, 702				
44	3	44	6	401/402, 403, 602, 611, PR									
44	17	51	13	401/402, 403, 602, 611, 701, 702, PR	10 10 52	11 24 21	10 11 54	13 2 21	401, 403, 602, 701, 702	54	22	55	3
51	20	51	22	401/402, 403, 602, 611									
59	4	61	5	401/402, 403, 602									

PR: EMC objects to questions seeking attorney client communications or attorney work product and any responses thereto.

EMC Corporation, et al. v. Zerto, Inc.
12-cv-956 (GMS)
Defendant's Deposition Designations

Witness: Robert Wilson

Date of Deposition: September 11, 2014

Initial Designations					Counterdesignations					Counter Counter Designation			
Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line	Objections	Begin Page	Begin Line	End Page	End Line
4	23	5	2										
5	11	6	21										
8	13	12	10		12	11	12	17					
13	23	19	19	401/402, 602, 701	13	11	13	22	401, 403				
20	15	22	15	401/402									
22	19	23	12		23	13	23	16					
26	11	28	12	602, 701	25	17	26	1					
29	13	32	8		28	13	29	1	403, 701	26	2	26	10
36	8	38	23										
39	7	42	11	602, 701	35	8	35	20	401, 403, 701				
					42	12	43	1	401, 403				

SCHEDULE G-1:

"

EMC'S ITEMIZED STATEMENT OF SPECIAL DAMAGES

I. REASONABLE ROYALTY

EMC seeks a reasonable royalty on all of Zerto's infringing sales under 35 U.S.C. § 284. As detailed more specifically in the report of EMC's damages expert, the minimum reasonable royalty for all of Zerto's infringing sales as of November 6, 2014 is at least [REDACTED], not including pre- and post-judgment interest.

No later than a week prior to trial, EMC expects Zerto to supplement its sales data and EMC's damages expert will use this data to amend his reasonable royalty damages calculation to include the time period from November 6, 2014 until trial, using an analysis similar to that set forth in his expert report.

II. TREBLE DAMAGES

EMC seeks treble damages based upon Zerto's willful infringement of the '867 patent.

III. INJUNCTION

EMC will seek a permanent injunction preventing Zerto from continuing to infringe the Asserted Patents pursuant to 35 U.S.C. § 283.

IV. ATTORNEYS' FEES, COSTS, AND INTEREST

EMC seeks a declaration that this case is exceptional, and an award of its attorneys' fees pursuant to 35 U.S.C. § 285, as well as costs, expenses, pre-judgment and post-judgment interest, and an accounting, as well as any other form of appropriate relief pursuant to 35 U.S.C. §§ 283-285 or other applicable law. EMC also seeks reimbursement of its excess costs, expenses, and attorneys' fees pursuant to 28 U.S.C. § 1927.

"

SCHEDULE G-2:

ZERTO'S ITEMIZED STATEMENT OF SPECIAL DAMAGES

I. RESONABLE ROYALTY

EMC's royalty analysis is grossly overinflated because it is based on the assumption that the technologies described in the patents cover 75% of the functionality of Zerto system—a figure that was plucked from thin air in an effort to justify a higher royalty. In fact, the evidence will show that a more accurate estimate would be not more than 25%—particularly given that 4 of the 5 patents are only even alleged to be infringed when a customer uses the optional ZertoVSSAgent module, dramatically reducing the amount of any royalty that might be owed.

EMC's damages analysis is also improperly inflated by the inclusion of the “cloud” version of the Zerto product, which is sold by Zerto, Ltd., not Zerto, Inc., as well as the fact that EMC improperly includes pre-Complaint sales for patents that are only allegedly to be infringed indirectly, and Zerto cannot be liable for indirect infringement before it was aware of the patents, and because EMC did not mark.

II. TREBLE DAMAGES

EMC's allegation that Zerto willfully infringed is frivolous. EMC has not pled willful infringement for the '460, '395, '091, or '222 patents, and Zerto's witnesses testified without equivocation that Zerto was unaware of any of the patents before being sued. *See Execware, LLC v. Staples, Inc.*, 2012 U.S. Dist. LEXIS 174885, *20 (D. Del. Dec. 10, 2012) (explaining that a claim for willful infringement that “relies solely on allegations that [the accused infringer] was made aware of the [patent] by the filing of the [complaint]” must fail) (report and recommendation adopted, 2013 U.S. Dist. LEXIS 6231, 2013 WL 171906 (D. Del. Jan. 16, 2013)); *see In re Seagate Technology, LLC*, 497 F.3d 1360, 1374 (Fed. Cir. 2007) (en banc) (“A

patentee who does not [seek a preliminary injunction] should not be allowed to accrue enhanced damages based solely on the infringer's post-filing conduct.”).

At best, EMC might show that Ziv Kedem was aware of the filing of the application that led to the '867 patent. That is legally insufficient to prove willfulness. *See, e.g., Vasudevan Software, Inc. v. TIBCO Software Inc.*, 2012 U.S. Dist. LEXIS 69952, 2012 WL 1831543, *5-7 (N.D. Cal. 2012) (finding knowledge of a patent application that led to the asserted patent “insufficient to sustain a claim under a theory of willful blindness” because “mere knowledge of a pending patent application is of little significance given the prospect that a patent may not ever be issued, or, if issued, be altered or narrowed in scope”). And there certainly is no evidence that Zerto “(1) subjectively believed there was a high probability [of infringement], and (2) took deliberate actions to avoid learning of that fact,” which would be required to prove willful blindness. *See Global-Tech Appliances, Inc. v. SEB S.A.*, 131 S. Ct. 2060, 2070, 179 L. Ed. 2d 1167 (2011).

III. EMC IS NOT ENTITLED TO AN INJUNCTION.

EMC would not be entitled to permanent injunction in this case. To be awarded a permanent injunction, a plaintiff must demonstrate that (1) it has suffered an irreparable injury; (2) remedies available at law are inadequate to compensate for that injury; (3) considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) the public interest would not be disserved by a permanent injunction. *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391, 126 S. Ct. 1837 (2006). Here, EMC cannot show that it would suffer irreparable injury, or that monetary damages would be inadequate, where the damages sought in this case are 0.005% of EMC's \$20 billion in annual revenues.

IV. EMC IS NOT ENTITLED TO ENHANCED DAMAGES OR ATTORNEYS' FEES.

EMC asserts that it will “seek enhanced damages under 35 U.S.C. § 284 due to Zerto’s willful infringement.” EMC has, however, only pled willfulness for one patent and, given the undisputed evidence that Zerto was not aware of the ’867 patent prior to being sued, any willfulness argument for the ’867 patent would fail as a matter of law. Without willfulness, and as there are no allegations of litigation misconduct against Zerto or that Zerto’s defense is not in good faith, there is absolutely no basis for enhancing damages or shifting attorneys’ fees.

As a consequence of EMC’s inequitable conduct, Zerto seeks a declaration that this case is exceptional, and an award of its attorneys’ fees pursuant to 35 U.S.C. § 285, as well as costs and expenses, as any other form of appropriate relief pursuant to 35 U.S.C. §§ 283-285 or other applicable law. Zerto also seeks reimbursement of its excess costs, expenses, and attorneys’ fees pursuant to 28 U.S.C. § 1927.

SCHEDULE H-1:

EMC'S STATEMENT AS TO WAIVERS OF ANY CLAIMS OR DEFENSES

EMC has not waived and does not waive any of its claims or defenses in this case.

SCHEDULE H-2:

ZERTO'S STATEMENT AS TO WAIVERS OF ANY CLAIMS OR DEFENSES

Zerto has not waived and does not waive any of its claims or defenses in this case.

SCHEDULE I(i)-1:

EMC'S TRIAL BRIEF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMC CORPORATION AND EMC ISRAEL)	
DEVELOPMENT CENTER, LTD.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 12-956 (GMS)
)	
ZERTO, INC.,)	
)	
Defendant.)	

EMC'S TRIAL BRIEF

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I. NATURE OF THE CASE

This is a patent infringement action between two competitors in the field of data protection software.

EMC has been in the business of protecting data for more than three decades. By investing tens of billions of dollars in research and development, as well as in acquisitions of innovative technologies, EMC has revolutionized the world of data protection. The five patents EMC asserts in this case are the direct result of EMC's investment in advancing the state of data protection technology. The patents claim inventions fundamental to that technology.

Although Zerto, Inc. is a relatively new entrant to the data protection industry, its founders—brothers Ziv Kedem and Oded Kedem—have a previous history with EMC. The Kedem brothers previously worked at Kashya Ltd., an Israeli company that designed and developed data protection hardware and software products. In May 2006, EMC acquired Kashya for \$153 million. As part of the acquisition, the Kedem brothers became EMC executives. As executives, the brothers were given access to EMC's confidential business plans, including plans to develop data protection software for virtual machines.

Ziv Kedem left EMC in 2007. Later, while Oded Kedem was still an EMC executive, the Kedem brothers conceived, and met with investors to seek funding for, a new startup: Zerto Ltd. As pitched to investors, Zerto Ltd. was to develop data protection software for virtual machines, just as EMC planned to do in a project in which the Kedems were involved as EMC employees. Once funding for Zerto Ltd. was secured, Oded Kedem quit EMC, and weeks later Zerto Ltd. was formed. In May 2011, Zerto Ltd. founded Zerto, Inc. as a wholly-owned Delaware subsidiary. Zerto, Inc. soon began selling, offering for sale, and importing the data protection software that Zerto Ltd. had designed.

As its acquisition of Kashya demonstrates, EMC recognizes the value of, and respects, intellectual property. Zerto, on the other hand, paid no heed to the fact that its software practiced inventions EMC had previously created or acquired, including those that EMC acquired from Kashya. EMC filed this action to prevent Zerto from competing against EMC using EMC's own inventions.

A. The Asserted Patents

1. The Ting Patent: U.S. Patent No. 7,647,460

The Ting Patent discloses a "remote mirroring" data protection system in which two storage systems are connected via a communication link. As data is written to the source storage system, a copy is transferred over the link to a target storage system where it is also written. This process results in the target storage system maintaining a continually updated copy of data, and provides an alternate source of data in the event that the source storage system fails or is destroyed, e.g., by a fire, natural disaster, etc.

Named inventor Dennis Ting is expected to testify at trial that although remote mirroring was previously known, the known systems had drawbacks. In one known system, the host device that issued a write to the source storage system had to also issue a second write over a communication link to the target storage system. This technique burdened the host with having to issue two writes. In a second known system, the host was unburdened from having to issue two writes, as mirroring controllers were added to the storage systems and those controllers communicated directly to mirror writes made to the source storage system to the target. In this system in which mirroring was handled directly by the storage systems, a dedicated communication line was required to connect the two storage systems, and data was transferred over that line using specific "data link layer" protocols such as ESCON or FDDI. The use of a dedicated line was expensive and could only be implemented over relatively short distances.

Mr. Ting will testify that he and his fellow inventors recognized that known remote mirroring systems could be improved upon. Specifically, Mr. Ting and his fellow inventors recognized that remote mirroring could be accomplished with a non-dedicated network cloud that used network layer protocols such as IP to connect the storage systems. This innovative solution addressed limitations of the prior art because the network cloud could be implemented on a low-cost public network (e.g., a corporate intranet), data could be transmitted over that network to any remote location without geographic constraint, and the host was not burdened with both generating writes and performing the mirroring operation.

2. The Rokicki Patents: U.S. Patents Nos. 7,603,395 and 7,971,091

The Rokicki Patents share a common specification. Mr. Rokicki is expected to testify that the innovations in these patents were developed when EMC integrated one of its traditional replication software products with a continuous data protection (“CDP”) system.

At the time of the invention, CDP systems were relatively new. In such systems, write transactions that an application issues to a primary storage system are also stored in a separate location, sometimes referred to as a “CDP engine.” Over time, the CDP engine stores a copy of each write transaction, thereby retaining information about every change made to data at the primary storage system. The user can use the CDP engine to access the data as it appeared at a given point in time in the past. Thus, CDP permits recovery of data at any prior point-in-time.

Replication software also existed at the time of the invention, and most relied on “traditional snapshot” technology to replicate data. Using traditional snapshot technology required creating a distinct replica or representation of data every time a snapshot was taken, so taking snapshots at regular time intervals consumed significant storage space and resources.

Snapshot-based replication offered benefits, including “application awareness,” i.e., the ability to generate a snapshot at a time when the application had stopped generating data. This ensured that the snapshot included data in an “application-consistent” state, i.e., a state from which applications can more reliably recover (distinguished from a “crash-consistent” state).

At the time of the invention, many in the industry believed that an application-aware CDP system was undesirable because CDP systems allowed for any-point-in-time recovery. Mr. Rokicki and his fellow inventors bucked conventional thinking and concluded that an application-aware CDP system would be beneficial because it could recover data in application-consistent states, while also avoiding the consumption of significant storage space. They accomplished this by integrating a replication application as a front-end to a CDP system.

In the Rokicki system, “pseudosnapshots” are used in lieu of traditional snapshots. Generating pseudosnapshots only requires inserting “event markers” into the CDP engine at desired points in time, thereby creating earmarked datasets that can later be reliably surfaced as a copy. A pseudosnapshot can later be recovered by reading from the CDP engine the earmarked data that was stored at the time associated with the event marker. Every pseudosnapshot is available for recovery, but since it consumes far less storage than would be required to store traditional snapshots, event markers can be stored far more frequently than traditional snapshots.

In one of the systems claimed in the Rokicki patents, each time an application issues a write transaction, a data tap creates a copy of the transaction and the copied transaction is stored in a write journal on a CDP system. A replication application communicates with the CDP system and is configured to generate “event markers” that identify points in time in the series of write transactions stored in the write journal, including points in time when the application has been instructed to cease generating write transactions and is in an application-consistent state.

The replication application is further configured to present event markers to a user through a graphical user interface and, in response to a user selection of an event marker, to generate a data structure from the stored transactions corresponding to the selected event marker. In a different claimed system, a remote server sends replication instructions to the replication application.

3. The Kashya Patent: U.S. Patent No. 7,577,867

EMC acquired the Kashya Patent as part of its acquisition of Kashya. Ziv Kedem is a named inventor on the Kashya Patent, which discloses a system for consistent data recovery that tags a dataset at a point in time when a host device controller has halted processing IOs for a host. The system organizes its components into one or more “consistency groups” that each includes one or more “host device(s)” and “data protection appliance(s).” A “data protection appliance manager” issues a request to one or more data protection appliance(s) to cause host device controllers of the consistency group to halt processing IO requests and to create a tag to mark the consistency group at a specific point in time. By causing the controllers to halt processing IO requests, the system ensures that the tag is created when the data is in a consistent state, even though applications on the host devices are free to continue generating IOs.

4. The Vinca Patent: U.S. Patent No. 6,073,222

The Vinca Patent discloses a method for (a) preserving data as it existed on a mass storage system at a particular moment in time and (b) accessing the preserved data as it existed at that point in time, even if it was subsequently overwritten. To do this, when a data block is overwritten, it is preserved in a “preservation memory.” A “virtual device” is created that can access data in the preservation memory and the mass storage system. This provides a user with access to data as it existed at a selected moment in time, even if the accessed data includes some data blocks located on the mass storage system (because they have not been overwritten) and other data blocks preserved in the preservation memory (because they have been overwritten).

B. The Accused Product: Zerto Virtual Replication Software

EMC contends that Zerto's Virtual Replication software ("the Accused Product") infringes each Asserted Patent. Zerto markets the Accused Product as a business continuity and disaster recovery solution for virtual machines. Virtual machines are software emulations of physical computers that run applications and perform operation just like physical computers. The software that creates the virtual machines is typically referred to as a hypervisor.

The Accused Product allows for recovery by maintaining, at a remote site, a continually updated copy of data that a virtual machine at a primary site generates. The Accused Product also allows a user to access the remote data at historic points-in-time, including a known "good" point-in-time, e.g., an application-consistent state for a particular virtual machine.

[REDACTED]

[REDACTED]

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II. THE CONTESTED FACTS THAT EMC WILL SHOW AT TRIAL

EMC will establish the facts identified in Schedule B to the proposed pretrial order.

III. EMC'S THEORIES OF LIABILITY AGAINST ZERTO

A. Zerto Directly and/or Indirectly Infringes Each Asserted Claim.

EMC will show by a preponderance of the evidence that Zerto directly and/or indirectly infringes at least one valid and enforceable asserted claim. EMC's primary evidence is:

(1) Zerto's technical documents, (2) source code for the Accused Product, (3) testimony of the corporate witness for Zerto Ltd., (4) testimony of EMC's technical expert witness, (5) Zerto's publicly available technical and marketing materials, (6) the Accused Product itself, including screenshots and/or demonstrations of the software, and (7) Microsoft technical documents.

1. Zerto Directly Infringes Claim 45 of the Kashya Patent.

EMC will show that Zerto has directly infringed claim 45 of the Kashya Patent either literally or under the doctrine of equivalents, by making, using, importing, offering to sell, and/or selling the Accused Product in violation of 35 U.S.C. § 271(a).

EMC will show at trial that the Accused Product, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

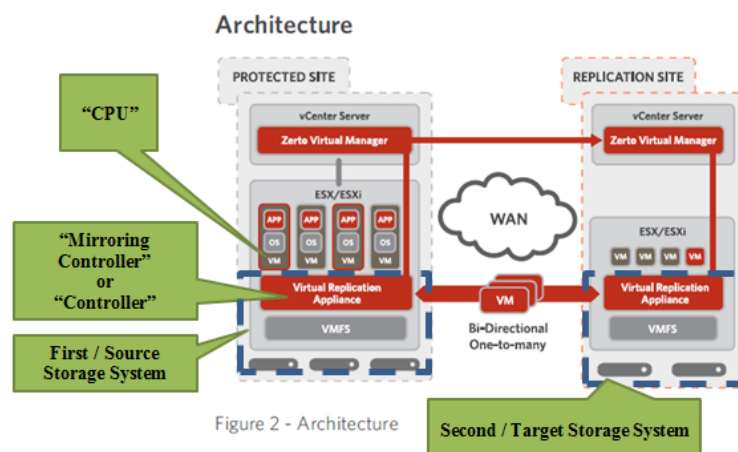
[REDACTED]

2. Zerto Indirectly Infringes Each Asserted Claim.

a. Zerto Indirectly Infringes the Asserted Claims 1, 30, 32, 37-38, 40, 42 and 44-45 of the Ting Patent.

EMC will show that Zerto, through its dealings with customers, has induced, and is inducing, infringement of claims 1, 30, 32, 37-38, 40, 42 and 44-45 of the Ting Patent in violation of 35 U.S.C. § 271(b) and has contributed, and is contributing, to the infringement of those claims in violation of 35 U.S.C. § 271(c).

EMC will show at trial that the Accused Product, when installed in accordance with Zerto's administrator guide and instructional manuals, is part of a computer system that includes a CPU, a first/source storage system, and a second/target storage system. Once installed, the software creates a fourth component, a mirroring controller, that becomes part of the storage system and mirrors information written from the CPU to the first/source storage system in the second/target storage system. The four components, which are also components of the asserted claims, are shown in the annotated figure below from Zerto's marketing materials:



The Accused Product also requires the use of network layer protocols (i.e., TCP/IP) to transfer data from the storage system at the protected site to a storage system at the replication site. This requirement necessarily means that the link between the first/source storage system and the second/target storage system is a network cloud, just as it is in the asserted claims.

b. Zerto Indirectly Infringes Claims 1 and 5 of the '091 Patent and Claims 1-2, 4 and 8 of the '395 Patent.

EMC will show that Zerto, through its dealings with customers, has induced, and is inducing, infringement of the claims 1, 2, 4 and 8 of the '395 Patent and claims 1 and 5 of the '091 Patent in violation of 35 U.S.C. § 271(b) and has contributed, and is contributing, to the infringement of those claims in violation of 35 U.S.C. § 271(c).

(1) Claims 1, 2, 4 and 8 of the '395 Patent

EMC will show at trial that the Accused Product, when installed in accordance with Zerto's administrator guide and instructional manuals, creates a computer system that includes (1) a data tap, (2) a continuous data protection system, and (3) a replication application, each of which is a component of the asserted claims. The replication application that the software creates is the ZVM. Just like the replication application of the asserted claims, the ZVM is configured to (a) initiate the generation of a pseudosnapshot, (b) create at least one event marker that identifies a point in time that corresponds to a quiescent state for a portion of write transactions stored in a write journal, (c) present the pseudosnapshots to a user in a graphical user interface ("GUI") wherein the pseudosnapshot is viewed by the user as a traditional snapshot, and (d) surface a copy of data that was generated and saved before a selected pseudosnapshot was created. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(1) Claims 1 and 5 of the '091 Patent

EMC will show at trial that the Accused Product, when installed in accordance with Zerto's administrator guide and instructional manuals, creates a computer system that includes (1) a CDP system and (2) a replication application, each of which is a component of the asserted claims. The claims further require that the replication application be configured to (a) initiate the generation of a pseudosnapshot wherein the pseudosnapshot is identified by an event marker that is associated with a point in time when a production application was in a quiescent state, and also (b) initiate surfacing a copy of a dataset that was saved before generation of the pseudosnapshot.

As discussed above in Section I.A.1.a(1), the ZVM is configured to perform these functions. Moreover, Zerto's customers, following the instructions provided in Zerto's administrator's guide and instructional manuals, also create a second ZVM at a remote site. The second ZVM is configured to send instructions to the first ZVM, and is a remote server, which is the final component of the asserted claims.

c. Zerto Indirectly Infringes Claim 45 of the Kashya Patent.

EMC will show that Zerto, through its dealings with customers, has induced and is inducing infringement of claim 45 of the Kashya Patent in violation of 35 U.S.C. § 271(b).

As noted above in Section III.A.1, the Accused Product, including the ZertoVssAgent program, is program code stored on a computer-readable storage medium that meets each limitation of claim 45. Zerto customers directly infringe claim 45 when they download and install the software, and also when they use the software, including the optional ZertoVssAgent software. Zerto actively encourages its customers to install and use the software.

d. Zerto Indirectly Infringes Claim 1 of the Vinca Patent.

EMC will show that Zerto, through its dealings with customers, has induced and is inducing infringement of claim 1 of the Vinca Patent in violation of 35 U.S.C. § 271(b) and has contributed, and is contributing, to the infringement of the claim in violation of 35 U.S.C. § 271(c).

EMC will show at trial that the Accused Product, when installed in accordance with Zerto's administrator guide and instructional manuals, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Willfulness

EMC will present evidence demonstrating that Zerto has willfully infringed the ‘867 patent by showing that Zerto was aware of or willfully blind to the patent at least since the Accused Product became available in September 2011, but chose to continue its infringement in reckless disregard of its infringing activity and with no good-faith basis for doing so. *In re Seagate Tech., LLC*, 497 F.3d 1360 (Fed. Cir. 2007); *Global-Tech Appliances, Inc. v. SEB S.A.*, 563 U.S. ___, 131 S. Ct. 2060 (2011). As a result of its willful infringement, EMC will show that Zerto is liable for treble damages pursuant to 35 U.S.C. § 284, and that EMC is entitled to recover its attorneys’ fees because this case is exceptional under 35 U.S.C. § 285.

IV. EMC’S THEORIES OF DAMAGES AND OTHER RELIEF

A. EMC Is Entitled to a Reasonable Royalty.

If EMC prevails on liability, it is entitled to damages “adequate to compensate for the infringement, but in no event less than a reasonable royalty.” 35 U.S.C. § 284. EMC therefore seeks a reasonable royalty on past sales of the Accused Product, and will show, under the *Georgia-Pacific* factors, the amount of that reasonable royalty.

EMC will prove its damages theory through, *inter alia*, Zerto’s sales and other documents, EMC license agreements and other documents, testimony of Zerto employees about the marketing and selling of the Accused Product and the parties’ competitive relationship, testimony of EMC employees, and testimony of EMC’s damages expert.

B. EMC Is Entitled to a Permanent Injunction.

EMC will demonstrate that it is entitled to a permanent injunction under 35 U.S.C. § 283 and *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388 (2006), enjoining Zerto from making, using, offering to sell, selling, and/or importing the Accused Product within or into the United States. EMC will also show that it is entitled to an injunction enjoining Zerto from inducing third-parties to directly infringe the Asserted Patents. In doing so, EMC will show that it has suffered and continues to suffer irreparable harm as a result of Zerto's infringement, that monetary damages are inadequate to compensate EMC for its harm, that the balance of hardships warrants a permanent injunction, and that the public interest will not be disserved by an injunction.

C. EMC Is Entitled to Enhanced Damages and Attorneys' Fees.

EMC intends to seek enhanced damages under 35 U.S.C. § 284 due to Zerto's willful infringement. EMC also seeks attorneys' fees under 35 U.S.C. § 285 because of the exceptional nature of this case. EMC also seeks reimbursement of its excess costs, expenses, and attorneys' fees pursuant to 28 U.S.C. § 1927, and pre- and post-judgment interest under 28 U.S.C. § 1961.

V. ZERTO'S COUNTERCLAIMS AND AFFIRMATIVE DEFENSES.

Zerto has raised allegations of non-infringement and invalidity as to all Asserted Patents and allegations of unenforceability as to the Kashya and Rokicki Patents, both in the form of defenses to EMC's infringement claims and as declaratory counterclaims. EMC will show that Zerto lacks evidence to sustain these defenses and counterclaims.

A. Each Asserted Claim Is Infringed.

As discussed above, EMC will show by a preponderance of the evidence at trial that Zerto has directly or indirectly infringed each asserted claim of the Asserted Patents.

B. Each Asserted Claim Is Valid.

1. Assignor Estoppel Bars Zerto from Challenging the Validity and Enforceability of the Kashya Patent.¹

Ziv Kedem is a named inventor of the Kashya Patent, and assigned his rights to the patent to EMC Israel Development Center, Inc.'s predecessor-in-interest for valuable consideration. Assignor estoppel therefore bars Mr. Kedem and those in privity with him, including Zerto, from challenging the validity or enforceability of the Kashya Patent. EMC will present evidence that assignor estoppel bars Zerto from challenging the validity or enforceability of the Kashya patent.

2. No Asserted Claim Is Invalid Under 35 U.S.C. §§ 102 or 103.

Zerto alleges that each asserted claim is invalid under Section 102 and, in some cases, 103. Zerto's technical expert has offered no opinion of invalidity under Section 103 for either claim 45 of the Kashya Patent or claim 1 of the Vinca Patent. Zerto's allegations will be shown at trial to be unsupported by clear and convincing evidence. EMC's evidence will include, *inter alia*, inventor testimony and testimony from EMC's technical expert.

3. No Asserted Claim Is Invalid Under 35 U.S.C. §§ 101 or 112.

Zerto nominally alleges that each asserted claim is invalid under Sections 101 and 112 of the Patent Statute, although its technical expert has not offered any opinion that any asserted claim is invalid under either section. If Zerto is permitted to proffer testimony or introduce evidence that any asserted claim is invalid under Sections 101 or 112, EMC will show, on the contrary, that an ordinary artisan could practice the claimed inventions without undue experimentation and that each asserted claim is directed to statutory subject matter.

¹ The assignor estoppel issue should be decided at summary judgment. EMC offers a brief summary of the assignor estoppel issue in case the Court allows the issue to proceed to the jury.

C. The Kashya and Rokicki Patents Are Not Unenforceable.²

Zerto alleges that counsel for EMC made misrepresentations to the PTO concerning the prior art status of a reference that Zerto submitted in connection with a failed IPR for the Kashya Patent. Zerto will be unable to set forth even a prima facie case of – let alone prove by clear and convincing evidence – any misrepresentation or any intent to deceive the PTO. If needed, EMC will respond with testimony from counsel for EMC who were involved with the IPR petition, and/or documentary evidence, including the PTO record from the IPR petition.

With respect to the Rokicki Patents, Zerto alleges that the prosecuting attorneys and named inventors failed to disclose material information concerning certain prior art products to the PTO. Zerto will be unable to set forth even a prima facie case of – let alone prove by clear and convincing evidence – any failure to disclose material information or any intent to deceive the PTO. If needed, EMC will respond with testimony from one or more named inventors, testimony from one or more prosecuting attorneys, and/or the patent file histories.

VI. EMC'S ANTICIPATED MOTIONS FOR A DIRECTED VERDICT

EMC anticipates that it will move for a directed verdict on the following bases: (1) Zerto indirectly infringes one or more of the asserted claims, (2) Zerto directly infringes claim 45 of the Kashya Patent, (3) Zerto willfully infringed claim 45 of the '867 patent, (4) assignor estoppel bars Zerto from challenging the validity or enforceability of the Kashya Patent, (5) Zerto cannot prove that any asserted claim is invalid under 35 U.S.C. §§ 101, 102, 103 or 112, and/or (6) the Kashya and/or Rokicki Patents are not unenforceable due to inequitable conduct.

EMC reserves the right to move for judgment as a matter of law on any additional issues that Zerto advances at trial depending on the evidence or lack thereof.

² The issue of inequitable conduct should not be tried before the jury, but EMC offers a summary of its defense to the inequitable conduct allegations in case the issue proceeds to the jury.

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SCHEDULE I(i)-2:

ZERTO'S TRIAL BRIEF

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I. NATURE OF THE CASE

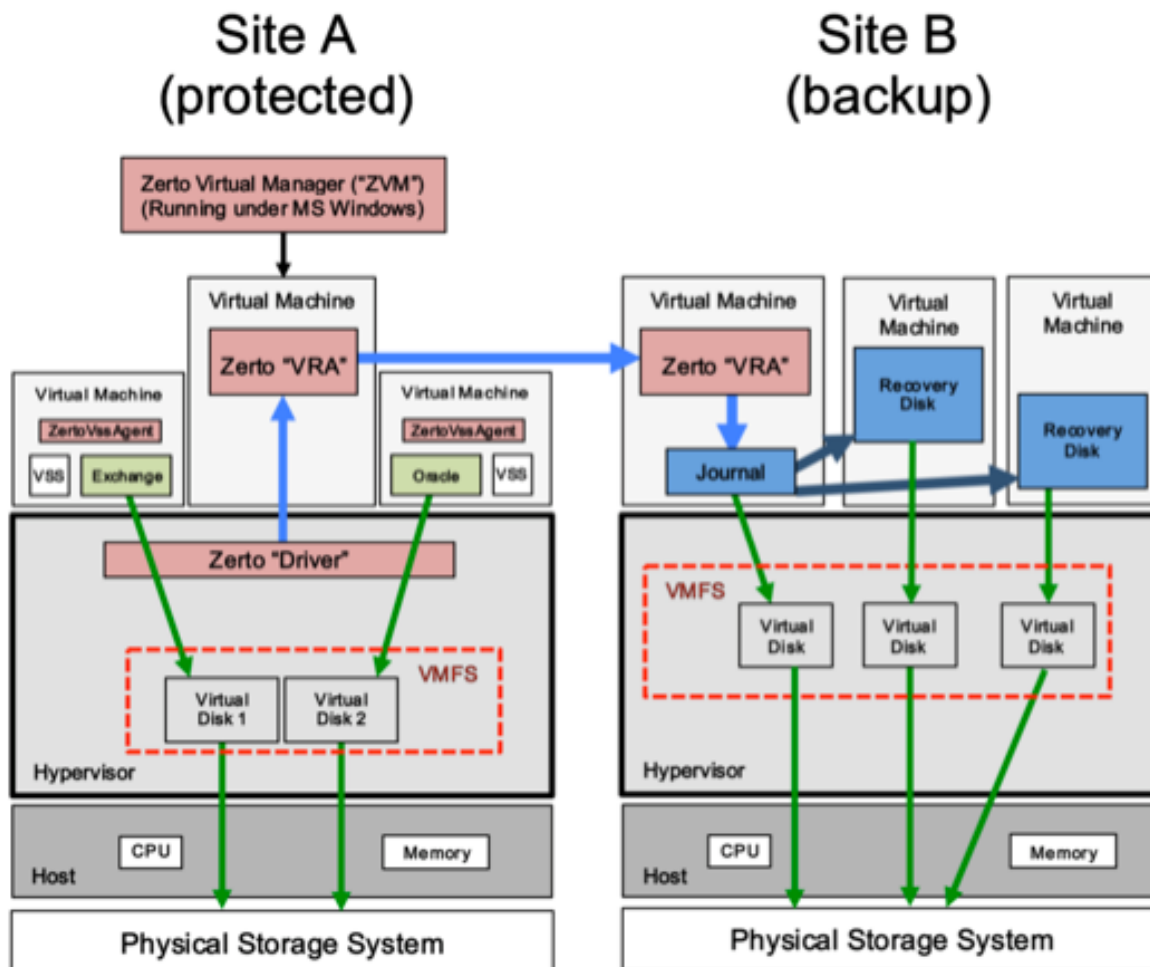
This is a patent infringement action brought by a \$20 Billion company against a small startup. Rather than compete against Zerto's technology in the marketplace, EMC has instead reached into its large patent portfolio for a series of old patents (two of which EMC obtained in acquisitions, and one of which is so old that it has expired) that have nothing to do with Zerto's cutting-edge, virtualized replication system.

That EMC's case is about harassing a company with new and better technology, rather than the vindication of legitimate patent rights, is confirmed by EMC's repeated allegations about a company called VMWare (not EMC) having come up with the idea of putting the replication in the "hypervisor." Even if those allegations were true—and they are not—that would have absolutely no bearing on whether any of these EMC patents are infringed or invalid.

II. THE ZERTO VIRTUAL REPLICATION SOFTWARE

Zerto's Virtual Replication software is a continuity and disaster recovery solution for virtual machines. Virtual machines are software emulations of physical computers that run applications and perform operations just like physical computers. Because virtual machines can run on shared computing resources, they can cut down on hardware and energy costs, and also make a company's IT infrastructure easier to manage. The software that creates a virtual machine is typically referred to as a hypervisor.

Generally speaking, the Zerto system allows a system administrator to protect against data loss at a "protected" site by copying data that is being written from applications at that site to a "recovery" or "backup" site. In the event of a problem at the protected site, the data that had been copied to the recovery site can be used to generate a copy of what existed at the protected site at a given point in time, such as before the problem at the protected site arose. Users of the applications can move to the copy to get up and running again. The system is illustrated below:



A component called the Zerto Virtual Manager ("ZVM") is software that manages replication between the protected and recovery sites. A Zerto Virtual Appliance ("VRA") is installed in its own virtual machine on each hypervisor that includes virtual machines to be protected. The **Zerto** Driver is a small software component that resides in the hypervisor to monitor and copy I/O traffic from the virtual machines hosted by the hypervisor. The **Journal** exists at the recovery site, in one or more virtual machines, to receive and store copies of the write transactions that are obtained by the Zerto driver.

Data protection in the Zerto system begins with the creation of **Recovery Disks** at the recovery site that are copies of the disks at the protected site that are going to be protected. This is an initial full backup of the protected virtual machines' virtual disks. Once the Recovery

Disks are created, the Zerto system operates by having the **Driver** watch for I/O transactions from the protected machines. The **VRA** at the protected site will then copy those transactions and send them to the **VRA** at the recovery site. The **VRA** at the recovery site will place the transactions into the **Journal**, maintaining the chronological order, and the writes are accumulated in the **Journal** until they are needed for a **Failover**, as described below. The system also creates **Checkpoints** that are stored in the **Journal**.

If there is a problem at the protected site, the administrator can perform a **Failover**, the purpose of which is to create a replica, at the recovery site, of protected site data as it existed at a certain point in time before the problem arose. In the **Failover**, write transactions in the **Journal** are applied to the **Recovery Disc** in sequential order (“first-in-first out”) to move the **Recovery Disc** forward to the desired point in time.

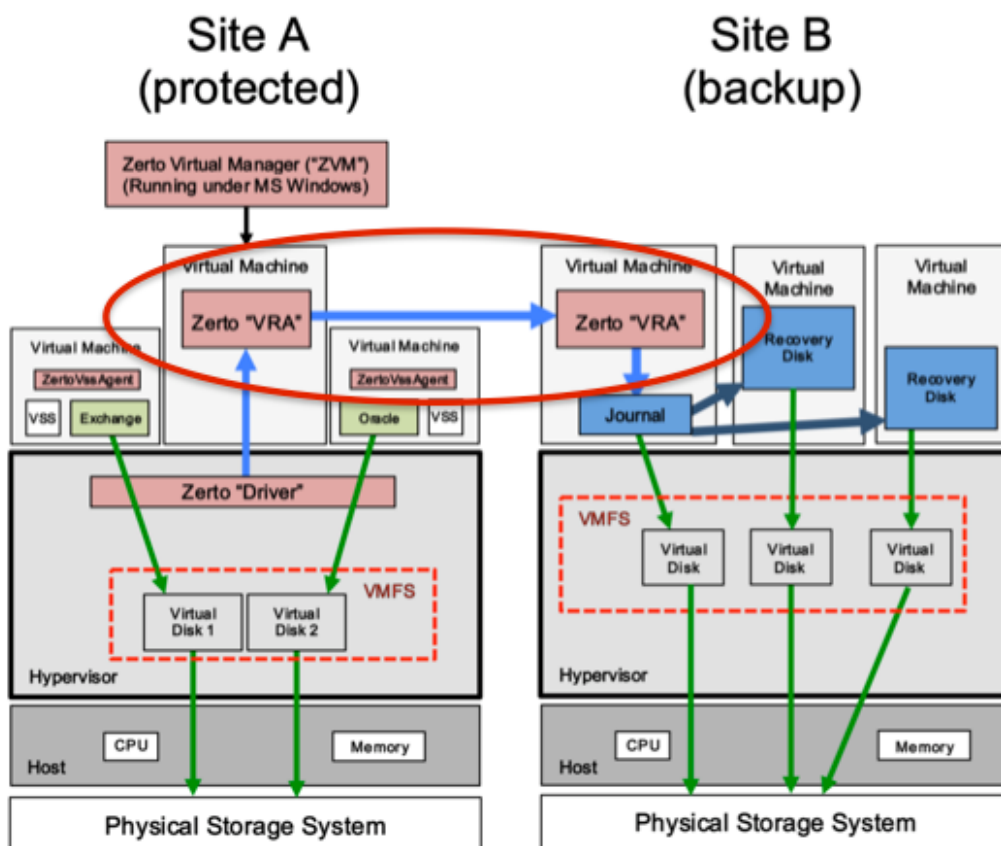
III. THE ASSERTED CLAIMS ARE NOT INFRINGED

A. U.S. Patent No. 7,647,460

The '460 Patent discloses a “remote mirroring” data protection system in which two storage systems are connected via a communication link, like the internet. The target storage system maintains a continually updated copy of data, which EMC has described as a “mirror image of the source storage system” and “like a household mirror.”

Zerto does not infringe the '460 patent because it does not maintain a continually updated copy of data. There is no mirror image. Instead, Zerto copies every disc write at the source site to the Journal at the second site, where the write transactions are stored in chronological order. There is nothing at the second site that is an “essentially real-time” and “continually updated” “copy of data.” While a Zerto user may create a copy at the recovery site by performing a Failover, that happens only in the case of a problem, not in “essentially real time,” and, when it does happen, the protected site is different, so there still is no “mirror image.”

Zerto also does not infringe the '460 patent because it does not transfer data between “storage systems.” Zerto’s system does not copy data between storage systems because the components that perform the copying are located in virtual machines that run on the host computer, not in the physical or (even virtual) storage system. This can be seen in the figure below, showing how data is copied (the blue arrow) between VRAs (in the red oval) that are running on virtual machines, well above the storage systems:



In fact, Zerto’s system cannot infringe because, if the claims are stretched to cover it, they are necessarily invalid as they would also clearly cover the prior art, as described below.

B. U.S. Patents Nos. 7,603,395 and 7,971,091

Each of the claims of these patents require a “pseudosnapshot” that “corresponds to a quiescent state.” The Court construed “quiescent state” to mean “an inactive state wherein the production application does not generate write operations.”

The Zerto software does not cause any application to enter an inactive state where a production application does not generate write operations. End users of the Zerto software who are interested (and using Microsoft Windows) may download (from Zerto, Ltd.) a separate software module (called the “ZertoVSSAgent”) that can trigger a Microsoft product called Volume Shadow Copy Service (“VSS”). VSS is essentially a go-between; when an application like ZertoVSSAgent invokes VSS, VSS tells the production applications to prepare for a backup. What the applications do in response to that request, however, is *up to the author of the application*. In other words, whether an application can or does enter “an inactive state” to “not generate write operations” depends on the application itself. Zerto has nothing to do with that.

Here, there is no evidence that (a) any end user of Zerto software invoked VSS when any VSS-enabled application was running or (b) that any such application entered “an inactive state wherein [it did] not generate write operations” when VSS was invoked. The only evidence on this issue is from one user who testified that he installed ZertoVssAgent on one virtual machine dedicated to e-mail, but did not identify any VSS-enabled application, and certainly could not say how any such application operated.

Claims 1 and 9 of the ’395 patent and 20 of the ’091 patent also require that the pseudosnapshot is viewed by the user “as a snapshot.” Zerto cannot infringe these claims because Zerto’s software presents the user with Checkpoints, which are just markers in the Journal, not “snapshots.” In fact, EMC’s own expert described the Zerto system as “replication *without using traditional snapshots*.” Additionally, claims 1, 9, and 20 of the ’091 patent require a “remote server.” Zerto’s system does not require a remote server, and there is no evidence that any Zerto end user has ever used a remote sever.

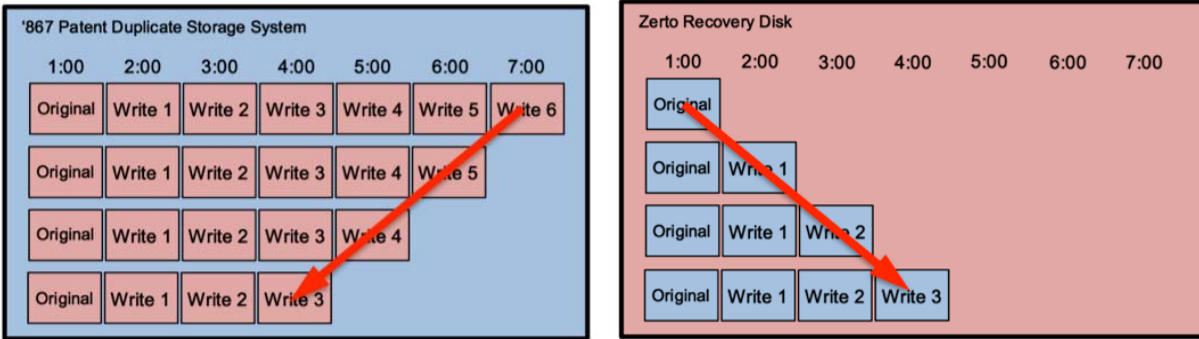
Finally, claim 9 of the '091 patent requires initial and final times for the pseudosnapshot, and claims 1 and 20 both require that the pseudosnapshot be “associated with a particular transaction in the series of transactions.” EMC’s expert does not even try to explain how these limitations are met in the Zerto software.

C. U.S. Patent No. 7,577,867

Zerto’s system cannot infringe the '867 patent for at least two reasons.

First, in the method claimed in the '867 patent, a “host device controller” “processes the host device I/O requests, and . . . can halt such processing and . . . resume such processing,” and a “DPA manager” sends a request to a “DPA” “to cause [the] host device controllers . . . to halt processing I/O requests.” EMC does not allege that Zerto has a DPA that causes a host device controller to halt processing I/O requests. Instead, EMC argues that there is literal infringement when a Zerto end user invokes VSS, because applications then stop sending writes, and that, because the applications stop sending writes, the host device controllers are “halted.” That argument simply does not meet the claim language, which requires an instruction that causes *the host device controllers to halt processing I/Os*, not that applications stop sending I/Os.

Second, the Court construed “consistency group” in the '867 patent to require, among other things, a “journal” that is “a record of write transactions used to maintain and rollback a duplicative storage system to a previous point in time.” This construction is particularly significant because EMC used it to persuade the Patent Office to not review the '867 patent. Zerto, however, does not have a journal that is used to “rollback a duplicative storage system to a previous point in time” because Zerto only ever rolls the target system *forward*, applying writes to the recovery disk (the initial full backup) *to bring it forward in time*. The difference between rolling back, as claimed in the patent, and rolling forward, as in Zerto’s system, is illustrated below:



Finally, with respect to claim 45 (the only claim of any patent for which EMC alleges direct infringement), Zerto cannot infringe because it does not maintain the “computer readable media” (the server with ZertoVSSAgent) such that it could directly infringe this claim.

D. U.S. Patent No. 6,073,222

EMC’s argument for infringement of the expired ’222 patent is truly an effort to fit a square peg into a round hole. This patent concerns a method for accessing data as it existed in a mass storage system at a selected moment. Basically, the patent describes allowing a backup to be taken of data as it existed at a point in time by copying data that is about to be overwritten into another location, called the preservation memory. Then, when one wants to access the data as it existed at the selected point, data that had been overwritten is copied from the preservation memory, and data that had not been overwritten is copied directly from the mass storage system. As explained above, Zerto’s system is nothing like that, as it copies *every* new block (not just blocks that are about to be overwritten) into a journal at a second site. When one wants to access the data as it existed at an earlier point in time, the writes stored in the journal are applied to an initial static copy of to bring it up to date.

Thus, Zerto does not “preserv[e] an original data block as it existed in the mass storage system at the selected moment by placing the original data block in the preservation memory when a new block written to the mass storage system is to overwrite the original data block after the selected moment,” as in the claim, because all new blocks are copied as they are written.

There are no original data blocks placed in a preservation memory “when a new block” is about to “overwrite the original data block.” That concept simply does not exist in Zerto’s system.

In addition, the claim requires “using a virtual device to “access[] the preserved original data block placed in the preservation memory” and “accessing another original data block that remains in the mass storage system and that has not been overwritten since the selected moment.” The Zerto software does not access an “original data block that remains in the mass storage system” because, in the case of a Failover, it constructs a backup exclusively from information contained at the backup site, where the “mass storage” system has to be on the protected site (the “source” side in the ’222 patent). And, if the “mass storage system” were on Zerto’s backup site (the “target” side in the ’222 patent), the claim would still not be infringed because it is for “a method for accessing data as it existed in the mass storage system” and Zerto provides a method for accessing data as it existed on the protected site, not the backup site.

E. Zerto Cannot Be Found to Have Willfully Infringed

EMC’s allegation that Zerto willfully infringed is frivolous. EMC has not pled willful infringement for the ’460, ’395, ’091, or ’222 patents, and Zerto’s witnesses testified without equivocation that Zerto was unaware of any of the patents before being sued. *See Execware, LLC v. Staples, Inc.*, 2012 U.S. Dist. LEXIS 174885, *20 (D. Del. Dec. 10, 2012) (explaining that a claim for willful infringement that “relies solely on allegations that [the accused infringer] was made aware of the [patent] by the filing of the [complaint] . . . must fail”) (report and recommendation adopted, 2013 U.S. Dist. LEXIS 6231, 2013 WL 171906 (D. Del. Jan. 16, 2013)); *see In re Seagate Technology, LLC*, 497 F.3d 1360, 1374 (Fed. Cir. 2007) (*en banc*) (“A patentee who does not [seek a preliminary injunction] should not be allowed to accrue enhanced damages based solely on the infringer’s post-filing conduct.”).

At best, EMC might show that Ziv Kedem was aware of the filing of the application that led to the '867 patent. That is legally insufficient to prove willfulness. *See, e.g., Vasudevan Software, Inc. v. TIBCO Software Inc.*, 2012 U.S. Dist. LEXIS 69952, 2012 WL 1831543, *5-7 (N.D. Cal. 2012) (finding knowledge of a patent application that led to the asserted patent “insufficient to sustain a claim under a theory of willful blindness” because “mere knowledge of a pending patent application is of little significance given the prospect that a patent may not ever be issued, or, if issued, be altered or narrowed in scope”). And there certainly is no evidence that Zerto “(1) subjectively believed there was a high probability [of infringement], and (2) took deliberate actions to avoid learning of that,” which would be required to prove willful blindness. *See Global-Tech Appliances, Inc. v. SEB S.A.*, 131 S. Ct. 2060, 2070, 179 L. Ed. 2d 1167 (2011).

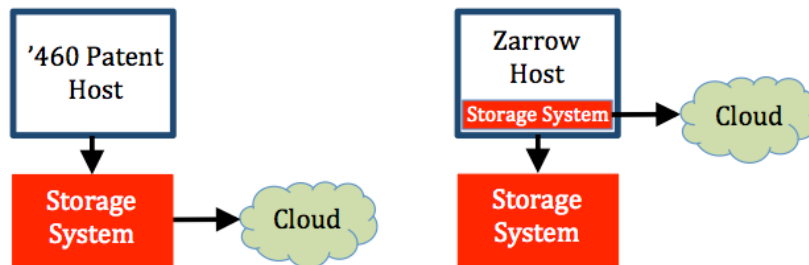
IV. THE ASSERTED CLAIMS ARE INVALID

A. U.S. Patent No. 7,647,460

In order to try to make the '460 patent cover Zerto's system, EMC sought and obtained the following construction of “storage system”: “the set of components that stores and controls the storage of information written from the CPU, including one or more storage devices and one or more controllers.” Thus, the “storage system” includes *any* component that stores or controls the storage of information from the CPU.

The prior art includes a patent by an inventor named Zarrow. Zarrow's system performed mirroring from one site to a second site over the Internet, where the controllers that performed the mirroring were located on the host computer. Prior to the construction of “storage system” in this case it was assumed (for example, by the Patent Office during prosecution) that Zarrow would not be anticipatory because the mirroring was not between the physical storage systems. In light of the broad claim construction that EMC argued for and obtained in this case, however, Zarrow's mirroring controllers *are* part of the “storage system.” This is illustrated

below, where the figure on the left represents the '460 patent, in which mirroring is performed from the storage system (shown in solid red) through a cloud. The figure on the right represents Zarrow, in which mirroring is performed from the host, but part of the host is also part of the “storage system” under EMC’s construction.



The result is that Zarrow anticipates because, just like in the patent, (1) the mirroring takes place over a network cloud and (2) the mirroring takes place between “storage systems.”

Even if Zarrow does not anticipate, the Bergsten patent does, because it teaches (a) mirroring over an intranet (a “network cloud”) and (b) that the mirroring take place between storage systems. Finally, even if that were not the case, the claims are invalid as obvious, as it was known to (a) mirror between storage systems and (b) mirror over the internet. Combining the two was just a predictable combination of known techniques to achieve the expected result.

B. U.S. Patents Nos. 7,603,395 and 7,971,091

Inventor John Rokicki testified that the invention claimed in the '395 and '091 patents resulted from an effort at EMC to add an existing technology, called “continuous data protection,” or “CDP,” to the EMC product line, including a prior art EMC product called Networker. Networker allowed a user to quiesce applications and take “snapshots,” which were static copies of the system at point in time. The continuous data protection technology was supplied by a company called Mendocino. (As discussed below, EMC did not disclose Networker or Mendocino to the Patent Office.) All EMC did in developing the inventions

claimed in these patents was to substitute *Mendocino*'s CDP system into Networker. The claimed invention is simply a combination of existing technologies, EMC's Networker and Mendocino's CDP, in an expected way to achieve an expected result. In fact, Mr. Rokicki testified that there was nothing about making the combination that was beyond "routine software engineering" and there was nothing surprising about it as it was simply "consistent with strategy" and "consistent with user experience and behavior."

In addition, the claims of these patents are invalid as either anticipated by or obvious in light of (a) a patent to an inventor named Stager, (b) a patent to an inventor named Anderson that describes the Mendocino system, and (c) the '867 patent that EMC is asserting in this case.

C. U.S. Patent No. 7,577,867

The '867 patent was drafted to cover a Kashya product, called the "KBX4000," that was sold in the United States more than a year before the application for the patent was filed. The patent is, therefore, invalid under 35 U.S.C. § 102(b).

EMC argues that assignor estoppel prevents Zerto from arguing that the '867 patent is invalid. EMC, however, engaged in inequitable conduct in responding to a Petition for *Inter Partes* Review of the '867 patent filed by Zerto in 2014, years after Ziv Kedem assigned his rights to EMC. EMC cannot fairly, or equitably, purchase a patent, years after the sale engage in misconduct with regard to that patent, and then rely on assignor estoppel to prevent the assignor from raising defenses. In addition, assignor estoppel is unavailable to EMC because its corporate representative testified that EMC assigned no value to the application for the '867 patent when purchasing Kashya. There is, therefore, a lack of consideration to support an argument that Zerto should be barred from challenging the validity of the patent due to an assignment.

D. U.S. Patent No. 6,073,222

Claim 1 of the '222 patent (which is now expired) is invalid as anticipated by a patent to Bennett, which describes a system that operates the same way as the claimed system. In Bennett, in response to a backup request, a file manager makes an entry in a “backup progress table” and commences copying. If a request is made to update the area that is being backed up after the backup begins, the file manager makes a “shadow” copy of that area. Then, the file manager updates the original file space, directory, file, or data object as requested by the application, and uses the shadow copy for the backup of that file space, directory, file, or data object.

Claim 1 is also anticipated by a manual for a product called “Concurrent Copy” and a manual for a product called “Freeze Frame,” both of which operated the same way, saving copies of portions of the storage system that were about to be overwritten and then providing data from the storage system for areas that had not been overwritten, and data from the copy for areas that had been overwritten.

V. THREE OF THE PATENTS ARE UNENFORCEABLE DUE TO INEQUITABLE CONDUCT**A. U.S. Patents Nos. 7,603,395 and 7,971,091**

During the prosecution of the '091 patent, in an unsuccessful effort to establish an earlier invention date, EMC submitted an affidavit attaching a set of transcripts of invention disclosure meetings. In the transcripts, memorializing conversations between attorney Sara Jones and the named inventors, the inventors explained that the supplier of the “CDP” technology that was at the heart of the system EMC was developing and would later claim in the '091 and '395 patents was a company called Mendocino.” The inventors explained that what they were doing was combining the Mendocino CDP with an existing, prior art product called Networker that had been offered by a company called Legato, which had been acquired by EMC. Notably,

Networker already had the ability to quiesce the system prior to taking its static snapshots. At the conclusion of the second transcript, the attorney explained to the inventors that “[n]ew combinations are definitely patentable and that’s the important thing here. . . . I think we should definitely go for it.” In “going for it,” however, they failed to inform the Patent Office that the Mendocino CDP and the Legato Networker were in the prior art.

During the prosecution of the ’395 patent, EMC argued that the claims were patentable because the prior art did not include features that were present in the art that was being withheld. For example, after failing to disclose the Legato Networker product that included quiescence, EMC amended to claims to include quiescence and argued that the claims were patentable because “the cited art does not appear to teach or suggest pseudosnapshots that correspond to a quiescent state.” Further, after failing to disclose the Mendocino CDP (standing for “continuous data protection”) that included event markers, EMC argued that the claims were patentable because the prior art lacked “a continuous data protection system” and lacked event markers. In the ’091 application, EMC similarly argued that the claims were patentable because the prior art did not include features, including the event markers, that were present in the withheld art.

The information withheld by EMC would have been highly material to the prosecution of the ’091 and ’395 patent, as these references, if fully disclosed in a manner that would have allowed the Patent Office to consider them, would have invalidated the claims, and intent should be inferred from the circumstances, rendering the ’395 and ’091 patents unenforceable.

B. U.S. Patent No. 7,577,867

Zerto filed a petition for Inter Partes Review of the ’867 patent on July 19, 2013. Among the references included in the petition was a copy of an Administrator’s Guide for the Kashya KBX4000 product. EMC filed a response to the petition in which it argued that the Administrator’s Guide was (a) not a “printed publication” and (b) not public. EMC made those

arguments to the PTO despite the facts that it had purchased Kashya, had obtained custody of Kashya's files, including the Administrator's Guide, and was fully aware that the Administrator's Guide had been publically distributed in the U.S. before the critical date.

Relying on EMC's representations, the PTO declined to institute the Inter Partes Review of the '867 patent. In particular, the PTO relied on EMC's assertion that the Administrator's Guide "contains a notice of its 'confidential and proprietary' status," an argument made by EMC despite the fact that EMC knew the Administrator's Guide had been publically distributed prior to the critical date. The Board also relied on EMC's argument that "[the Administrator's Guide] has a copyright date of 2013" and that "[the Administrator's Guide] includes edits shown in track changes of the type that appear in working drafts of electronic documents," arguments made despite the fact that EMC knew the copy of the manual submitted to the PTO was, in all material respects, identical to copies of the manual that had been disseminated prior to the critical date.

The misrepresentations made by EMC to the PTO were highly material, as they persuaded the PTO to not consider the Administrator's Guide as prior art, where, if considered, the claims would have been found to be invalid. Again, intent should be inferred from the circumstances, rendering the '867 patent unenforceable.

VI. DAMAGES

A. Any a Reasonable Royalty Would be Small

EMC's royalty analysis is grossly overinflated because it is based on the assumption that the technologies described in the patents cover 75% of the functionality of Zerto system—a figure that was plucked from thin air in an effort to justify a higher royalty. In fact, the evidence will show that a more accurate estimate would not more than 25%—particularly given that 4 of the 5 patents are only even alleged to be infringed when a customer uses the *optional* ZertoVSSAgent module, dramatically reducing the amount of any royalty that might be owed.

EMC's damages analysis is also improperly inflated by the inclusion of the "cloud" version of the Zerto product, which is sold by Zerto, Ltd., not Zerto, Inc., as well as the fact that EMC improperly includes pre-Complaint sales for patents that are only alleged to be infringed indirectly, and Zerto cannot be liable for indirect infringement before it was aware of the patents.

B. EMC Is Not Entitled to a Permanent Injunction.

EMC would not be entitled to permanent injunction in this case. To be awarded a permanent injunction, a plaintiff must demonstrate that (1) it has suffered an irreparable injury; (2) remedies available at law are inadequate to compensate for that injury; (3) considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) the public interest would not be disserved by a permanent injunction. *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391, 126 S. Ct. 1837 (2006). Here, EMC cannot show that it would suffer irreparable injury, or that monetary damages would be inadequate, where *the damages sought in this case are 0.005% of EMC's \$20 billion of annual revenues.*

C. EMC Is Not Entitled to Enhanced Damages or Attorneys' Fees.

EMC asserts that it will "seek enhanced damages under 35 U.S.C. § 284 due to Zerto's willful infringement." As discussed above, however, EMC has only pled willfulness for one patent and, given the undisputed evidence that Zerto was not aware of the '867 patent prior to being sued, any willfulness argument for the '867 patent would fail as a matter of law. Without willfulness, and as there are no allegations of litigation misconduct against Zerto or that Zerto's defense is not in good faith, there is absolutely no basis for shifting attorney's fees.

VII. THE CONTESTED FACTS THAT ZERTO WILL SHOW AT TRIAL

Zerto will establish the facts identified in Schedule B-3 to the proposed pretrial order.

SCHEDULE I(ii)-1:

PARTIES' PROPOSED JURY INSTRUCTIONS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMC CORPORATION AND EMC ISRAEL)	
DEVELOPMENT CENTER, LTD.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 12-956 (GMS)
)	
ZERTO, INC.,)	
)	
Defendant.)	

PRELIMINARY JURY INSTRUCTIONS

INTRODUCTION

Members of the jury: Now that you have been sworn, I am going to give you some preliminary instructions to guide you in your participation in the trial.

These instructions will give you some general rules and guidance that might apply to any civil case. However, because this is a patent trial which will deal with subject matter that is not within the everyday experience of most of us, I will also give you some additional preliminary instructions regarding patents to assist you in discharging your duties as jurors.

THE PARTIES AND THEIR CONTENTIONS

Before I begin with those instructions, however, allow me to give you an overview of who the parties are and what each contends.

You may recall that during the process that led to your selection as jurors, I advised you that this is a civil action for patent infringement arising under the patent laws of the United States.

As I previously told you, the Plaintiffs in this case are EMC Corporation and EMC Israel Development Center, Ltd. The Defendant in this case is Zerto, Inc. I will refer to both Plaintiffs

as EMC, and the Defendant as Zerto. The dispute between the parties relates to the manufacture and operation of data protection and recovery software. During the trial, the parties will offer testimony to familiarize you with this technology.

EMC owns five United States Patents which it alleges that Zerto infringes: Patent Numbers 7,647,460, 6,073,222, 7,603,395, 7,971,091, and 7,577,867. Because these numbers are so long, patents are usually referred to by their last three digits. For example, Patent No. 7,647,460 is called simply “the ’460 patent.” EMC contends that Zerto makes, uses, sells, and offers for sale data protection and recovery software that infringes these patents and that such infringement is willful. EMC seeks damages for Zerto’s alleged infringement.

EMC does not contend that all of the claims of each patent are infringed by Zerto. Instead, EMC asserts that only certain claims are infringed. They may be called “asserted claims.” The software product that EMC contends infringes the asserted claims is called Zerto Virtual Replication. I, and the attorneys and witnesses, may refer to it as the “accused product.” The “accused product” simply refers to the product that EMC asserts infringes its patent. You, of course, will determine whether or not the accused product infringes the asserted claims of any of EMC’s patents.

Persons or companies sued for allegedly infringing a patent can deny infringement. They can also defend a charge of infringement by proving the patent is invalid. In this case, Zerto denies that it infringes EMC’s patents and asserts what are called affirmative defenses to the charges of infringement. I will tell you more about infringement in a few minutes. I will instruct you as to defenses to a charge of infringement and possible damages resulting from a finding of infringement in my instructions to you at the close of the evidence.

DUTIES OF THE JURY

So, let me begin with those general rules that will govern the discharge of your duties as jurors in this case.

It will be your duty to find from the evidence what the facts are. You and you alone will be the judges of the facts. You will then have to apply those facts to the law as I will give it to you both during these preliminary instructions and at the close of the evidence. You must follow that law whether you agree with it or not. In addition to instructing you about the law, at the close of the evidence, I will provide you with instructions as to what the claims of the patents mean. Again, of course, you are bound by your oath as jurors to follow these and all the instructions that I give you, even if you personally disagree with them. All the instructions are important, and you should consider them together as a whole.

Perform these duties fairly. Do not let any bias, sympathy, or prejudice that you may feel toward one side or the other influence your decision in any way. Also, do not let anything that I may say or do during the course of the trial influence you. Nothing that I may say or do is intended to indicate, or should be taken by you as indicating, what your verdict should be.

EVIDENCE

The evidence from which you will find the facts will consist of the testimony of witnesses; (the testimony of witnesses consist of the answers of the witnesses to questions posed by the attorneys or the court – you may not ask questions). Evidence will also consist of documents and other things received into the record as exhibits, and any facts that the lawyers agree to or stipulate to or that I may instruct you to find.

Certain things are not evidence and must not be considered by you. I will list them for you now:

1. Statements, arguments, and questions by lawyers are not evidence.
2. Objections to questions are not evidence. Lawyers have an obligation to their clients to make objections when they believe evidence being offered is improper under the rules of evidence. You should not be influenced by the objection or by the court's ruling on it. If the objection is sustained, ignore the question. If it is overruled, treat the answer like any other. If you are instructed that some item of evidence is received for a limited purpose only, you must follow that instruction.
3. Testimony that the court has excluded or told you to disregard is not evidence and must not be considered.
4. Anything you may have seen or heard outside the courtroom is not evidence and must be disregarded. You are to decide the case solely on the evidence presented here in the courtroom.

There are two kinds of evidence: direct and circumstantial. Direct evidence is direct proof of a fact, such as testimony of an eyewitness. Circumstantial evidence is proof of facts from which you may infer or conclude that other facts exist. As a general rule, the law makes no distinction between these two types of evidence, but simply requires that you find facts from all the evidence in the case, whether direct or circumstantial or a combination of the two.

CREDIBILITY OF WITNESSES - WEIGHING CONFLICTING TESTIMONY

You are the sole judges of each witness' credibility. You should consider each witness's means of knowledge; strength of memory; opportunity to observe; how reasonable or unreasonable the testimony is; whether it is consistent or inconsistent; whether it has been contradicted; the witness's biases, prejudices, or interests; the witness's manner or demeanor on

the witness stand; and all circumstances that, according to the evidence, could affect the credibility of the testimony.

If you find the testimony to be contradictory, you must try to reconcile it, if reasonably possible, so as to make one harmonious story of it all. But if you can't do this, then it is your duty and privilege to believe the testimony that, in your judgment, is most believable and disregard any testimony that, in your judgment, is not believable. This instruction applies to the testimony of all witnesses, including expert witnesses.

BURDEN OF PROOF

As I have already told you, in this case, EMC is the owner of five patents which it contends Zerto infringes. EMC, therefore, has the burden of proving infringement by what is called a preponderance of the evidence. That means EMC has to produce evidence which, considered in the light of all the facts, leads you to believe that what EMC alleges is more likely true than not true. To put it differently, if you were to put EMC's and Zerto's evidence on opposite sides of a scale, the evidence supporting EMC's allegations would have to make the scale tip somewhat on its side. If EMC fails to meet this burden, the verdict must be for Zerto. EMC must also prove its damages by a preponderance of the evidence.

In this case, Zerto asserts that EMC's patents are invalid. A patent, however, is presumed to be valid. Accordingly, the party challenging the patent has the burden of proving by clear and convincing evidence that the patent is invalid. Clear and convincing evidence is evidence that produces an abiding conviction that the truth of a factual contention is highly probable. Proof by clear and convincing evidence is thus a higher burden than proof by a preponderance of the evidence. EMC also contends that Zerto willfully infringed the '867 patent. EMC must prove willful infringement by clear and convincing evidence.

Those of you who have sat on criminal cases will have heard of proof beyond a reasonable doubt. That requirement does not apply to a civil case; therefore, you should put it out of your mind.

GENERAL GUIDANCE REGARDING PATENTS

I will now give you a general overview of what a patent is and how one is obtained.

A. Constitutional Basis for Patent Grant

The United States Constitution, Article I, Section 8, grants the Congress of the United States the power to enact laws “to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

B. Exclusionary Right and Term of a Patent

The United States Patent and Trademark Office is responsible for reviewing patent applications and granting patents. Once the “Patent Office” or “PTO” has issued a patent, the patent owner has the right to exclude others from making, using, selling, or offering for sale the invention throughout the United States for the length of the patent term. If the invention covered by the patent is a method, the patent law gives the patent owner the right to exclude others from using the method throughout the United States or making or selling throughout the United States any product made by the patented method anywhere in the world.

A person who, without the patent owner’s authority makes, uses, sells, or offers to sell a product or employs a method that is covered by one or more claims of a valid patent, infringes the patent. A person can also induce others to infringe a patent by suggesting to other persons or companies that they undertake acts that constitute infringement. This is called inducing infringement.

The Parts Of A Patent

I will next briefly describe the parts of a patent and some of the procedures followed by those attempting to obtain patents. Many of the terms used by me in this description are contained in a “Glossary of Patent Terms,” which I will give to you along with a copy of these preliminary instructions. Feel free to refer to the Glossary throughout the trial.

For an invention to be patentable, it must be new, useful, and, at the time the invention was made, must not have been obvious to a person having ordinary skill in the art to which the subject matter pertains.

Under the patent laws, the United States Patent and Trademark Office examines patent applications and issues patents. A person applying for a patent must include a number of items in his or her application, including: (1) a detailed description of the invention in terms sufficiently full, clear, concise and exact to enable any person skilled in the art to which the invention pertains to be able to make and use the invention; (2) a disclosure of the best mode of carrying out the invention known to the inventor at the time of filing; and (3) one or more claims.

The application includes a written description of the invention called a “specification” and may include drawings that illustrate the invention. The specification concludes with one or more claims that particularly and distinctly define the subject matter that the inventor regards as his or her invention. When a patent application is received at the Patent and Trademark Office, it is assigned to an examiner, who examines the application, including the claims, to determine whether the application complies with the requirements of the U.S. patent laws. The examiner reviews the prior work of others in the form of voluminous files of patents and publications. This type of material is called “prior art.” Prior art is generally technical information and knowledge that was known to the public either before the invention by the applicant or more than one year

before the filing date of the application. Documents found in the search of prior art are called “references.” In conducting the search of prior art, the examiner notes in writing on the file the classes or subclasses of art searched. The compilation of the papers concerning the proceedings before the Patent Office is called the “prosecution history,” “file wrapper,” or “file history.” The PTO does not have its own laboratories or testing facilities.

The examiner may “reject” the application claims if he or she believes that they are applications for inventions that are not patentable in light of the prior art, or because the patent specification does not adequately describe the claimed inventions. The applicant may then amend the claims to respond to the examiner’s rejections. If, after reviewing the prior art maintained at the PTO, the examiner concludes that the claims presented by the applicant define the applicant’s claimed invention over the most relevant known prior art in a manner that is patentable and that the patent meets the other requirements for patentability, the application is granted as a U.S. patent.

Summary Of The Patent Issues

In this case, you must decide several things according to the instructions that I will give you at the end of the trial. Those instructions will repeat this summary and will provide more detail. One thing you will need not decide is the meaning of the patent claims. That is one of my jobs -- to explain to you what the patent claims mean. By the way, the word “claims” is a term of art and I will instruct you on its meaning at trial’s end. Meanwhile, you will find a definition in the glossary attached to these preliminary instructions. In essence, you must decide:

- (1) whether EMC has proven by a preponderance of the evidence that the Zerto’s accused product infringes the asserted claims of one or more of the five patents;

- (2) if you find that EMC's '867 patent is infringed, you must decide whether EMC has proven, by clear and convincing evidence, that the infringement was willful;
- (3) whether those asserted claims of EMC that have been infringed have been proven by Zerto by clear and convincing evidence to be invalid; and
- (4) for those patents that are valid and infringed, whether EMC has proven its measure of damages for the infringement by a preponderance of the evidence.

CONDUCT OF THE JURY

Now, a few words about your conduct as jurors.

First, I instruct you that during the trial you are not to discuss the case with anyone or permit anyone to discuss it with you. Until you retire to the jury room at the end of the case to deliberate on your verdict, you simply are not to talk about this case. If any lawyer, party, or witness does not speak to you when you pass in the hall, ride the elevator, or the like, remember it is because they are not supposed to talk with you nor you with them. In this way, any unwarranted and unnecessary suspicion about your fairness can be avoided. If anyone should try to talk to you about it, bring it to the court's attention promptly.

Second, do not read or listen to anything touching on this case in any way.

Third, do not try to do any research or make any investigation about the case on your own.

Finally, do not form any opinion until all the evidence is in. Keep an open mind until you start your deliberations at the end of the case.

During the trial, you may, but are not required to take notes regarding testimony; for example, exhibit numbers, impression of witnesses or other things related to the proceedings. A word of caution is in order. There is generally I think a tendency to attach undue importance to

matters which one has written down. Some testimony which is considered unimportant at the time presented, and thus not written down, takes on greater importance later in the trial in light of all the evidence presented. Therefore, you are instructed that your notes are only a tool to aid your own individual memory and you should not compare notes with other jurors in determining the content of any testimony or in evaluating the importance of any evidence. Your notes are not evidence, and they are by no means a complete outline of the proceedings or a list of the highlights of the trial. Also, keep in mind that you will not have a transcript of the testimony to review. So, above all, your memory will be your greatest asset when it comes time to deliberate and render a decision in this case.

If you do take notes, you must leave them in the jury deliberation room which is secured at the end of each day. And, remember that they are for your own personal use.

I will give you detailed instructions on the law at the end of the case, and those instructions will control your deliberations and decision.

COURSE OF THE TRIAL

This trial, like most jury trials, comes in seven stages or phases. We have already been through the first phase, which was to select you as jurors. The remaining stages are:

- (2) These preliminary instructions to you;
- (3) Opening statements which are intended to explain to you what each side intends to prove and are offered to help you follow the evidence. The lawyers are not required to make opening statements at this time or they may defer this opening until it is their turn to present evidence.
- (4) The presentation of the evidence which will include live witnesses and may also include previously recorded testimony, as well as documents and things;

- (5) My final instructions on the law to you;
- (6) The closing arguments of the lawyers which will be offered to help you make your determination; and, finally,
- (7) Your deliberations where you will evaluate and discuss the evidence among yourselves and determine the outcome of the case.

Please keep in mind that evidence is often introduced somewhat piecemeal. So, as the evidence comes in, you as jurors need to keep an open mind.

We will begin shortly, but first I want to outline the anticipated schedule of the trial.

TRIAL SCHEDULE

Though you have heard me say this during the voir dire, I want to again outline the schedule I expect to maintain during the course of this trial.

This case is expected to take 10 days to try. We will normally begin the day at 9:00 A.M. promptly. We will go until 1:00 P.M. and, after a one hour break for lunch, from 2:00 p.m. to 4:30 P.M. There will be a fifteen minute break at 11:00 A.M. and another fifteen minute break at 3:15 P.M. The only significant exception to this schedule may occur when the case is submitted to you for your deliberations. On that day, the proceedings might last beyond 5:00 p.m. We will post a copy of this schedule for the your convenience in the jury deliberation room.

GLOSSARY OF PATENT TERMS

<u>Applicants</u>	The named inventors who are applying for the patent.
<u>Assignment</u>	Transfer of ownership rights in a patent or patent application from one person or company to another.
<u>Claims</u>	The part of a patent that defines the invention. These are found at the end of the patent specification in the form of numbered paragraphs.

<u>Disclosure of Invention</u>	The part of the patent specification that explains how the invention works and usually includes a drawing.
<u>File Wrapper, File History or Prosecution History</u>	The written record of proceedings in the United States Patent and Trademark Office (“Patent Office” or “PTO”), including the original patent application and later rejections, responses to the rejections and other communications between the Patent Office and the applicant.
<u>Patent Application</u>	The initial papers filed in the Patent Office by an applicant. These typically include a specification, drawings, claims and the oath (Declaration) of the applicant.
<u>Patent Examiners</u>	Personnel employed by the Patent Office having expertise in various technical areas who review (examine) patent applications to determine whether the claims of a patent application are patentable and whether the disclosure adequately describes the invention.
<u>Prior art</u>	Any information that is used to describe public, technical knowledge prior to the invention by the applicant or more than a year prior to the filing of his/her application.
<u>Prior Art References</u>	Any item of prior art (publication, patent or product) used to determine patentability.
<u>Specification</u>	The part of the patent application or patent that describes the invention, and may include drawings. The specification does not define the invention, only the claims do.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMC CORPORATION AND EMC ISRAEL)	
DEVELOPMENT CENTER, LTD.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 12-956 (GMS)
)	
ZERTO, INC.,)	
)	
Defendant.)	

PROPOSED FINAL JURY INSTRUCTIONS

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1. GENERAL INSTRUCTIONS

1.1. INTRODUCTION [JOINT]

Members of the jury, now it is time for me to instruct you about the law that you must follow in deciding this case.

Each of you has been provided a copy of these instructions. You may read along as I deliver them if you prefer, however, I would encourage you to focus your attention on me while the instructions are being read. You will be able to take your copies with you into your deliberations and refer to them at any time, if necessary.

I will start by explaining your duties and the general rules that apply in every civil case.

Then I will explain some rules that you must use in evaluating testimony and evidence.

Then I will explain the positions of the parties and the law you will apply in this case.

Finally, I will explain the rules that you must follow during your deliberations in the jury room, and the possible verdicts that you may return.

Please listen very carefully to everything I say.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 1.

1.2. JUROR'S DUTIES [JOINT]

Members of the Jury, it is important that you bear in mind the distinction between your duties and my duties. You have two main duties as jurors. The first one is to decide what the facts are from the evidence that you saw and heard here in court. You are the sole judges of the facts. It is your judgment, and your judgment alone, to determine what the facts are, and nothing I have said or done during this trial was meant to influence your decisions about the facts in any way.

Your second duty is to take the law that I give you, apply it to the facts, and decide if, by a preponderance of the evidence, Zerto is liable and if so, what monetary damages should be awarded to EMC.

Now, as far as my duty is concerned, I have the duty of advising you about the law you should apply to the facts as you find them. You are not to consider whether the principles I state to you are sound or whether they accord with your own views about policy. You are bound by the oath that you took at the beginning of the trial to follow the instructions that I give you, even if you personally disagree with them. You must accept them despite how you feel about their wisdom. This includes the instructions that I gave you before and during the trial, and these instructions. All the instructions are important, and you should consider them together as a whole.

Perform these duties fairly. Do not let any bias, sympathy or prejudice that you may feel toward one side or the other influence your decision in any way.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 1-2; *Edwards Lifesciences LLC v. Medtronic Corevalve LLC*, No. 12-cv-23, D.I. 168 at 2 (Jan. 14, 2014).

1.3. EVIDENCE DEFINED [JOINT]

You must make your decision based only on the evidence that you saw and heard here in court. Do not let rumors, suspicions, or anything else that you may have seen or heard outside of court influence your decision in any way.

The evidence in this case includes only what the witnesses said while they were testifying under oath either here at trial or at a recorded deposition, the exhibits that I allowed into evidence, and the stipulations to which the lawyers agreed.

Nothing else is evidence. The lawyers' statements and arguments are not evidence. The arguments of the lawyers are offered solely as an aid to help you in your determination of the facts. Their questions and objections are not evidence. My legal rulings are not evidence. My comments and questions are not evidence.

During the trial I may have not let you hear the answers to some of the questions the lawyers asked. I may also have ruled that you could not see some of the exhibits that the lawyers wanted you to see. You must completely ignore all of these things. Do not speculate about what a witness might have said or what an exhibit might have shown. These things are not evidence, and you are bound by your oath not to let them influence your decision in any way.

Make your decision based only on the evidence, as I have defined it here, and nothing else.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 2-3; *Edwards Lifesciences LLC v. Medtronic Corevalve LLC*, No. 12-cv-23, D.I. 168 at 3 (Jan. 14, 2014).

1.4. DIRECT AND CIRCUMSTANTIAL EVIDENCE [JOINT]

You have heard the terms direct and circumstantial evidence.

Direct evidence is evidence like the testimony of an eyewitness which, if you believe it, directly proves a fact. If a witness testified that she saw it raining outside, and you believed her, that would be direct evidence that it was raining.

Circumstantial evidence is a chain of circumstances that indirectly proves a fact. If someone walked into the courtroom wearing a raincoat covered with drops of water and carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining.

It is your job to decide how much weight to give the direct and circumstantial evidence. The law makes no distinction between the weight that you should give to either one, nor does it say that one is any better than the other. You should consider all the evidence, both direct and circumstantial, and give it whatever weight you believe it deserves.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 3.

1.5. CONSIDERATION OF EVIDENCE [JOINT]

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves. If your experience tells you that certain evidence reasonably leads to a conclusion, you are free to reach that conclusion.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 4.

1.6. STATEMENTS OF COUNSEL [JOINT]

A further word about statements and arguments of counsel. The attorneys' statements and arguments are not evidence. Instead, their statements and arguments are intended to help you review the evidence presented. If you remember the evidence differently from the attorneys, you should rely on your own recollection.

The role of attorneys is to zealously and effectively advance the claims of the parties they represent within the bounds of the law. An attorney may argue all reasonable conclusions from evidence in the record. It is not proper, however, for an attorney to state an opinion as to the truth or falsity of any testimony or evidence. What an attorney personally thinks or believes about the testimony or evidence in a case is not relevant, and you are instructed to disregard any personal opinion or belief concerning testimony or evidence that an attorney has offered during opening or closing statements, or at any other time during the course of the trial.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 4.

1.7. CREDIBILITY OF WITNESSES [JOINT]

You are the sole judges of each witness's credibility. You should consider each witness' means of knowledge; strength of memory; opportunity to observe; how reasonable or unreasonable the testimony is; whether it is consistent or inconsistent; whether it has been contradicted; the witness' biases, prejudices, or interests; the witness' manner or demeanor on the witness stand; and all circumstances that, according to the evidence, could affect the credibility of the testimony.

If you find the testimony to be contradictory, you must try to reconcile it, if reasonably possible, so as to make one harmonious story of it all. But if you can't do this, then it is your duty and privilege to believe the testimony that, in your judgment, is most believable and disregard any testimony that, in your judgment, is not believable.

In determining the weight to give to the testimony of a witness, you should ask yourself whether there is evidence tending to prove that the witness testified falsely about some important fact, or whether there was evidence that at some other time the witness said or did something, or failed to say or do something that was different from the testimony he or she gave at trial or during a deposition. You have the right to distrust such witness' testimony in other particulars and you may reject all or some of the testimony of that witness or give it such credibility as you may think it deserves.

You should remember that a simple mistake by a witness does not necessarily mean that the witness was not telling the truth. People may tend to forget some things or remember other things inaccurately. If a witness has made a misstatement, you must consider whether it was simply an innocent lapse of memory or an intentional falsehood, and that may depend upon whether it concerns an important fact or an unimportant detail.

This instruction applies to all witnesses.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 4-5.

1.8. EXPERT TESTIMONY [JOINT]

Expert testimony is testimony from a person who has a special skill or knowledge in some science, profession, or business. This skill or knowledge is not common to the average person but has been acquired by the expert through special study or experience.

In weighing expert testimony, you may consider the expert's qualifications, the reasons for the expert's opinions, and the reliability of the information supporting the expert's opinions, as well as the factors I have previously mentioned for weighing testimony of any other witness. Expert testimony should receive whatever weight and credit you think appropriate, given all the other evidence in the case. You are free to accept or reject the testimony of experts, just as with any other witness.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 6; *Avid Tech. v. Harmonic Inc.* No. 11-cv-1040, D.I. 153 at 8 (Jan. 31, 2014).

1.9. DEPOSITIONS AS SUBSTANTIVE EVIDENCE [JOINT]

During this trial, you have heard testimony from the playing of videotape excerpts or the reading of written excerpts from depositions. A deposition is the sworn testimony of a witness taken before trial. The witness is placed under oath to tell the truth and lawyers for each party may ask questions. The questions and answers are recorded. Deposition testimony is entitled to the same consideration and is to be judged, insofar as possible, in the same way as if the witness testified in person here in the courtroom.

AUTHORITY

Avid Tech. v. Harmonic Inc., No. 11-cv-1040, D.I. 153 at 9 (Jan. 31, 2014).

1.10. NUMBER OF WITNESSES [JOINT]

One more point about the witnesses. Sometimes jurors wonder if the number of witnesses who testified makes any difference.

Do not make any decisions based only on the number of witnesses who testified. What is more important is how believable the witnesses were, and how much weight you think their testimony deserves. Concentrate on that, not the numbers.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 6.

1.11. BURDENS OF PROOF [JOINT]

In any legal action, facts must be proven by a required weight of the evidence, known as the “burden of proof.” In a civil case such as this, there are two different burdens of proof that are used. The first is called a preponderance of the evidence. The second is called clear and convincing evidence.

In this case, EMC asserts claims of patent infringement by Zerto and seeks damages for this alleged infringement. EMC has the burden of proving its claims of patent infringement and damages by a preponderance of the evidence. That means that EMC must produce evidence that, when considered in light of all the facts, leads you to believe that what EMC claims is more likely true than not true. To put it differently, if you were to put EMC’s and Zerto’s evidence on opposite sides of a scale, the evidence supporting EMC’s claims would have to make the scales tip somewhat on EMC’s side.

Preponderance of the evidence, however, does not depend on the number of witnesses or amount of evidence that a particular party presents. Rather, it depends on the amount of weight that you attribute to the evidence presented to you. If the evidence as to a particular element or issue is evenly balanced, the party has not proved the element by a preponderance of the evidence and you must find against that party. In determining whether any fact has been proven by a preponderance of the evidence, you may consider the testimony of all witnesses, regardless of who called them and all exhibits received into evidence regardless of who produced them.

EMC also asserts that Zerto’s infringement has been willful. EMC has the burden of proving this by clear and convincing evidence. Clear and convincing evidence is evidence that produces an abiding conviction that the truth of a factual contention is highly probable. Proof by clear and convincing evidence is thus a higher burden than proof by a preponderance of the evidence.

Finally, Zerto asserts that EMC's Asserted Patents are invalid. A patent is presumed to be valid. Accordingly, Zerto has the burden of proving that each asserted claim is invalid by clear and convincing evidence.

Those of you who are familiar with criminal cases will have heard the term proof beyond a reasonable doubt. That requirement does not apply to a civil case; therefore, you should put it out of your mind.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 6-7; *Avid Tech. v. Harmonic, Inc.*, No. 11-cv-1040, D.I. 153 at 11 (Jan. 31, 2014); *Edwards Lifesciences LLC v. Medtronic Corevalve LLC*, No. 12-cv-23, D.I. 168 at 10 (Jan. 14, 2014).

1.12. USE OF NOTES [JOINT]

You may use notes taken during trial to assist your memory. Remember that your notes are for your personal use. They may not be given or read to anyone else. Do not use your notes, or any other juror's notes, as authority to persuade fellow jurors. Your notes are not evidence, and they are by no means a complete outline of the proceedings or a list of the highlights of the trial. Your notes are valuable only as a way to refresh your memory. Your memory is what you should be relying on when it comes time to deliberate and render your verdict in this case.

This instruction applies both to notes you have taken on the blank paper the Court has given you, as well as any notes you may have taken on any exhibits given to you by the attorneys. Also, remember that you will not have any of your notes with you when you deliberate, although you will have a single clean copy of all documents that have been admitted into evidence.

AUTHORITY

Braun Melsungen AG v. Terumo Med. Corp., No. 09-cv-347, D.I. 339 at 13 (Nov. 18, 2010).

2. THE PARTIES AND THEIR CONTENTIONS

2.1. THE PARTIES [JOINT]

As I did at the start of the case, I will first give you a summary of each side's contentions in this case. I will then provide you with detailed instructions on what each side must prove to win on each of its contentions.

As I previously told you, the Plaintiffs in this case are EMC Corporation and EMC Israel Development Center, Ltd. The Defendant in this case is Zerto, Inc. As we have done throughout the trial, I will refer to both Plaintiffs as EMC, and the Defendant as Zerto.

EMC is the owner of U.S. Patent Numbers 7,577,867, 7,647,460, 6,073,222, 7,603,395, and 7,971,091. I will refer to these patents as the "Asserted Patents," the "Patents-In-Suit" or by their last three numbers, as "the '867 Patent," "the '460 Patent," "the '222 Patent," "the '395 Patent," and "the '091 Patent."

AUTHORITY

Avid Tech. v. Harmonic Inc., No. 11-cv-1040, D.I. 153 at 12 (Jan. 31, 2014); *Edwards*

Lifesciences LLC v. Medtronic Corevalve LLC, No. 12-cv-23, D.I. 168 at 11 (Jan. 14, 2014).

2.2. EMC’S CONTENTIONS [JOINT]

EMC seeks a determination that Zerto infringed each Asserted Claim by making, using, importing, offering to sell, and selling its Zerto Virtual Replication software (“the Accused Product”). EMC seeks money damages out of its claim that Zerto infringes claim 45 of the ’867 Patent, claims 1, 30, 32, 37, 38, 40, 42, 44, or 45 of the ’460 Patent, claim 1 of the ’222 Patent, claims 1, 2, 4, or 8 of the ’395 Patent, or claims 1 or 5 of the ’091 Patent. I will refer to these claims collectively as the “Asserted Claims.”

EMC contends that Zerto infringed each Asserted Claim in the following three ways:

1. EMC contends that Zerto directly infringed claim 45 of the ’867 Patent.
2. EMC contends that Zerto actively induced infringement of each Asserted Claim.
3. EMC contends that Zerto contributed to the infringement of each Asserted Claim.

EMC also contends that that Zerto’s infringement of the ’867 Patent was willful and that it is entitled to enhanced damages.

I will explain further each of these contentions.

AUTHORITY

Avid Tech. v. Harmonic Inc., No. 11-cv-1040, D.I. 153 at 12 (Jan. 31, 2014) and *Edwards*

Lifesciences LLC v. Medtronic Corevalve LLC, No. 12-cv-23, D.I. 168 at 12 (Jan. 14, 2014).

2.3. ZERTO'S CONTENTIONS [JOINT]

Defendant Zerto contends that the accused Zerto Virtual Replication software does not directly infringe any Asserted Claim.

Zerto also contends that it has not induced or contributed to the infringement of any Asserted Claim.

Zerto further contends that each Asserted Claim is invalid. Zerto contends that certain Asserted Claims are invalid as anticipated by a prior art reference. Zerto contends that certain Asserted Claims are invalid as obvious in view of one or more prior art references. Zerto contends that the Asserted Claim of the '867 Patent is invalid because the invention claimed was offered for sale or in public use more than one year before the application that led to the '867 patent was filed.

Zerto also denies EMC's allegation of willful infringement of the '867 Patent.

Zerto also contends that EMC is not entitled to any damages. First, Zerto contends that EMC has not shown that it is entitled to any damages for infringement of any Asserted Claim of any Asserted Patent. Second, Zerto contends that EMC has not shown that it is entitled to enhanced damages for willful infringement of the Asserted Claim of the '867 Patent.

I will explain further each of these contentions.

AUTHORITY

Avid Tech. v. Harmonic Inc., No. 11-cv-1040, D.I. 153 at 12 (Jan. 31, 2014); *Edwards*

Lifesciences LLC v. Medtronic Corevalve LLC, No. 12-cv-23, D.I. 168 at 13 (Jan. 14, 2014).

2.4. SUMMARY OF PATENT ISSUES [JOINT]

I will now summarize the issues that you must decide and for which I will provide instructions to guide your deliberations. You must decide the following main issues:

1. Whether EMC has proven by a preponderance of the evidence that Zerto directly infringed claim 45 of the '867 Patent.
2. Whether EMC has proven by a preponderance of the evidence that Zerto has induced or contributed to another entity's infringement of any Asserted Claim.
3. If you find that claim 45 of the '867 Patent is infringed, whether EMC proved by clear and convincing evidence that Zerto's infringement of that claim was willful.
4. Whether Zerto has proven by clear and convincing evidence that any Asserted Claim is invalid due to anticipation or obviousness.
5. Whether Zerto has proven by clear and convincing evidence that claim 45 of the '867 Patent is invalid because the invention claimed was in public use or on sale more than a year before the application that led to the '867 patent was filed.
6. If you find Zerto liable for patent infringement, you must then decide the amount of damages adequate to compensate EMC for Zerto's infringement. EMC has the burden to establish the amount of its damages by a preponderance of the evidence.

AUTHORITY

Avid Tech. v. Harmonic Inc., No. 11-cv-1040, D.I. 153 at 15 (Jan. 31, 2014); *Edwards*

Lifesciences LLC v. Medtronic Corevalve LLC, No. 12-cv-23, D.I. 168 at 14-15 (Jan. 14, 2014).

3. PATENT INFRINGEMENT

3.1. INFRINGEMENT OF PATENT CLAIMS [JOINT]

Throughout the trial, and in my instructions, you have heard much about patent “claims” and the “Asserted Claims.” Before you can decide many of the issues in this case, you will need to understand the role of patent “claims.”

The claims of a patent are the numbered paragraphs at the end of the patent. The claims are important because it is the words of the claims that define what a patent covers. Only the claims of a patent can be infringed. The figures and text in the rest of the patent provide a description and/or examples of the invention and provide a context for the claims, but it is the claims that define the breadth of the patent’s coverage. Each claim is effectively treated as if it were a separate patent, and each claim may cover more or less than another claim. Therefore, what a patent covers depends, in turn, on what each of its claims covers

I previously instructed you that the asserted patent claims involved here are claim 45 of the ’867 Patent, claims 1, 30, 32, 37, 38, 40, 42, 44, and 45 of the ’460 Patent, claim 1 of the ’222 Patent, claims 1, 2, 4, and 8 of the ’395 Patent, and claims 1 and 5 of the ’091 Patent.

In patent law, the requirements of a claim are often referred to as “claim elements” or “claim limitations.” When a thing (such as a software product) meets each and every requirement of a claim, the claim is said to “cover” that thing, and that thing is said to “fall” within the scope of that claim. In other words, a claim covers a method or product only where each and every one of the claim elements or limitations is present in that method or product.

You will first need to understand what each claim covers in order to decide whether or not there is infringement of the claim and to decide whether or not the claim is invalid. The law says that it is my role to define the terms of the claims and it is your role to apply my definitions to the issues that you are asked to decide in this case. Therefore, as I explained to you at the start

of the case, I have determined the meaning of the claims and I will provide to you my definitions of certain claim terms. You must accept my definitions of these words in the claims as being correct. It is your job to take these definitions and apply them to the issues that you are deciding, including the issues of infringement and validity.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions §§ 2.1 & 2.2 (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 16 (Jan. 31, 2014).

3.2. CONSTRUCTION OF CLAIMS [JOINT]

I will now explain to you the meaning of some of the words of the claims in this case. In doing so, I will explain some of the requirements of the claims. As I have previously instructed you, you must accept my definitions of these words in the claims as correct, and you must use my definitions to make your decisions of whether an Asserted Claim is infringed or not valid. For any words in the claim for which I have not provided you with a definition, you should apply their common meaning to one of ordinary skill in the art. You should not take my definition of the language of the claims as an indication that I have a view regarding how you should decide the issues that you are being asked to decide, such as infringement and invalidity. Those issues are yours to decide. The claim terms for which I have provided a definition are set forth in Appendix A.¹²

I instruct you that the following claim terms have the following definitions:

[READ APPENDIX A]

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 2.3 (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 17 (Jan. 31, 2014).

¹ Zerto respectfully objects to the jury being instructed on the meaning of terms of the claims of the patents-in-suit for which the Court declined to adopt Zerto's proposed constructions.

² EMC respectfully objects to the jury being instructed on the meaning of terms of the claims of the patents-in-suit for which the Court declined to adopt EMC's proposed constructions.

3.3. INDEPENDENT AND DEPENDENT CLAIMS [JOINT]

This case involves two types of patent claims: independent claims and dependent claims.

An “independent claim” sets forth all of the requirements that must be met in order to be covered by that claim. Thus, it is not necessary to look at any other claim to determine what an independent claim covers. In this case, claims 45 of the ’867 Patent, claims 1, 30, 38, and 44 of the ’460 Patent, claim 1 of the ’222 Patent, claim 1 of the ’395 Patent, and claim 1 of the ’091 Patent are each independent claims.

The remainder of the Asserted Claims are “dependent claims.” A dependent claim does not itself recite all of the requirements of the claim but refers to another claim for some of its requirements. In this way, the claim “depends” on another claim. A dependent claim incorporates all of the requirements of the claim(s) to which it refers. The dependent claim then adds its own additional requirements. To determine what a dependent claim covers, it is necessary to look at both the dependent claim and any other claim(s) to which it refers. A product or prior art reference that meets all of the requirements of both the dependent claim and the claim(s) to which it refers infringes or invalidates that dependent claim. I will explain infringement and invalidity later.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 2.2a (2012); *Finjan, Inc. v. Symantec Corp*, No. 10-cv-593, D.I. 743 at 27 (Dec. 20, 2012).

3.4. “COMPRISING” CLAIMS [JOINT]

The beginning portions, or preambles, of certain Asserted Claims use the word “comprising.” These Asserted Claims are: ’867 Patent claim 45; ’460 Patent claims 1, 30, 37, 38, 40, 42, and 44; ’222 Patent claim 1; ’395 Patent claims 1, 4, and 8; and ’091 Patent claim 1.

The word “comprising” means “including” or “containing.” A claim that uses the word “comprising” is not limited to the elements recited in the claim, but also covers methods or systems having all of the recited elements and additional elements not recited in the claim. Therefore, if you find that an accused product or method includes all of the elements of the claim, the fact that the accused product or method might include additional elements would not avoid infringement of the claim, so long as the presence of the additional component or method steps does not negate an element of the claim.

AUTHORITY

AIPLA’s Model Patent Jury Instructions § 3.7 (2012); *Finjan, Inc. v. Symantec Corp*, No. 10-cv-593, D.I. 743 at 28 (Dec. 20, 2012).

3.5. PATENT INFRINGEMENT – GENERALLY [JOINT]

I will now instruct you on how to decide whether or not Zerto has infringed the Asserted Patents. Infringement is assessed on a claim-by-claim basis. Therefore, there may be infringement as to one claim but no infringement as to another. Infringement of one or more Asserted Claims by Zerto is sufficient for you to find Zerto liable for infringement.

Patent law gives the owner of a valid patent the right to keep others from importing, making, using, offering to sell, or selling the patented invention within the United States during the term of the patent. In this case, there are three possible ways that a claim might be infringed: (1) directly infringing the patent either literally or under the doctrine of equivalents; (2) actively inducing infringement of the patent; or (3) contributing to infringement. Active inducement and contributory infringement are referred to as indirect infringement. There cannot be indirect infringement without someone else engaging in direct infringement.

I will explain these different types of infringement in a minute.

The patent owner may enforce its rights by filing a lawsuit for patent infringement. Here, EMC, the patent owner, has sued Zerto, the accused infringer. EMC has alleged that Zerto directly infringes claim 45 of the '867 Patent and that Zerto's customers directly infringe each Asserted Claim. In addition, EMC has alleged that Zerto has actively induced and contributed to the infringement of each Asserted Claim by its customers.

In order to prove infringement, EMC must prove that the requirements for one or more of these types of infringement are met by a preponderance of the evidence, i.e., that it is more likely than not that all of the requirements of one or more of each of these types of infringement has been proved.

I will now explain each of these types of infringement in more detail.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 3.1 (2012); AIPLA's Model Patent Jury Instructions § 3.0 (2012); *Edwards Lifesciences LLC v. Medtronic Corevalve LLC*, No. 12-cv-23, D.I. 168 at 20 (Jan. 14, 2014).

3.6. LITERAL INFRINGEMENT – DIRECT [JOINT]

There are two types of “direct infringement”: (1) “literal infringement” and (2) “infringement under the doctrine of equivalents.” I will discuss literal infringement here, and the doctrine of equivalents in section 3.8.

In order to prove direct infringement by literal infringement, EMC must prove by a preponderance of the evidence, i.e., that it is more likely than not, that Zerto or its customers made, used, sold, offered for sale within, or imported into the United States a product or process that meets all of the requirements of a claim and did so without the permission of EMC during the time the Asserted Patents were in force. You must compare the Accused Product with each requirement of an Asserted Claim to determine whether all of the requirements of that Asserted Claim are met.

You must determine, separately for each Asserted Claim, whether Zerto or its customers has infringed. There is one exception to this rule. If you find that an Asserted Claim on which other claims depend is not infringed, there cannot be infringement of any dependent claim that refers directly or indirectly to that independent claim. On the other hand, if you find that an independent claim has been infringed, you must still decide, separately, whether the Accused Product meets additional requirements of any Asserted Claims that depend from the independent claim, thus, whether those claims have also been infringed. A dependent claim includes all the requirements of any of the claims to which it refers plus additional requirements of its own.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 3.1a (2012); *Edwards*

Lifesciences LLC v. Medtronic Corevalve LLC, No. 12-cv-23, D.I. 168 at 20-21 (Jan. 14, 2014).

3.7. DIRECT INFRINGEMENT – KNOWLEDGE OF THE PATENT AND INTENT TO INFRINGE ARE IMMATERIAL

In this case, EMC asserts that Zerto has directly infringed the Asserted Claim of the '867 Patent and that Zerto's customers have also directly infringed the Asserted Claims of the '867 Patent, the '460 Patent, the '222 Patent, the '395 Patent, and the '091 Patent. As I will explain shortly, in order to find Zerto responsible for a customer's direct infringement, you must also find that Zerto induced or contributed to that infringement.

Someone can directly infringe a patent without knowing of the patent or without knowing that what they are doing is an infringement of the patent. They also may directly infringe a patent even though they believe in good faith that what they are doing is not an infringement of any patent. However, as I will explain shortly, someone cannot induce or contribute to the infringement of another without knowing of the patent and intending to cause the infringement.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 3.1 (2012); *Edwards Lifesciences LLC v. Medtronic Corevalve LLC*, No. 12-cv-23, D.I. 168 at 22 (Jan. 14, 2014).

ZERTO'S POSITION:

Zerto proposes the underlined language above to clarify that knowledge and intent are material to indirect infringement.

EMC'S POSITION:

EMC objects to Zerto's addition of an incomplete standard for knowledge and intent. This addition is misleading and prejudicial because it does not accurately set forth the standard for "knowledge" or "intent," and could mislead the jury regarding those legal concepts.

By contrast, EMC's language is materially identical to the AIPLA's Model Patent Jury Instructions § 3.1, with the addition of the sentence: "As I will explain shortly, in order to find

Zerto responsible for a customer's direct infringement, you must also find that Zerto induced or contributed to that infringement." EMC submits that this additional agreed to language is sufficient to clarify to the jury that there are different standards for direct and indirect infringement.

3.8. DIRECT INFRINGEMENT – INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS

Even if there is not literal direct infringement of a claim, there can still be direct infringement under the doctrine of equivalents. EMC alleges that if Zerto does not infringe claim 45 of the '867 patent literally, Zerto does so under the doctrine of equivalents.

Under the doctrine of equivalents, a product or process infringes a claim if the accused product or process contains elements or performs steps corresponding to each and every requirement of the claim that is equivalent to, even though not literally met by, the accused product or process. You may find that an element or step is equivalent to a requirement of a claim that is not met literally if a person having ordinary skill in the field of technology of the patent would have considered the differences between them to be “insubstantial” or would have found that the structure or action: (1) performs substantially the same function and (2) works in substantially the same way (3) to achieve substantially the same result as the requirement of the claim. In order for the structure or action to be considered interchangeable, the structure or action must have been known at the time of the alleged infringement to a person having ordinary skill in the field of technology of the patent. Interchangeability at the present time is not sufficient. In order to prove infringement by “equivalents,” a patent owner must prove the equivalency of the structure or actions to a claim element by a preponderance of the evidence.

You may not find that Zerto’s product infringes the patent claim under the “doctrine of equivalents” if by doing so the patent claim would cover products and methods that were already in the prior art. Defendant has the burden of coming forward with evidence to show that it was in the prior art

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 3.1c (2012).

ZERTO'S POSITION:

Zerto does not believe that this instruction is appropriate because EMC's technical expert, Mr. Jestice, has not articulated the basis for any opinion that Zerto infringes any claim of the '867 patent under the doctrine of equivalents, and certainly not asserted claim 45. Moreover, the discussion in his expert report for the doctrine of equivalents (for un-asserted claim 33) states "[t]o the extent that this claim is interpreted to preclude a component of the DPA and/or DPA manager, e.g., the ZertoVssAgent, from being present on the protected host device, the DPA and/or DPA manager limitations would be met under the doctrine of equivalents." No party has interpreted the claim in that manner.

However, if the Court does determine that it is appropriate to include the instruction, Zerto proposes the addition of the underlined sentence above in the final paragraph to clarify that the jury may not find infringement under the doctrine of equivalents if, by doing so, the claims are interpreted in such a way as to cover the prior art. This sentence is taken from the AIPLA Model Patent Jury Instructions, § 3.12.

EMC'S POSITION

EMC submits that its doctrine of equivalents theory was adequately disclosed. Indeed, Zerto's own list of evidentiary issues submitted in this pre-trial order include a request that EMC be limited in its doctrine of equivalents theory to certain arguments regarding claim 45 of the '867 patent.

Further, EMC's supplemental interrogatory responses served November 20, 2014 alleged this doctrine of equivalents theory. And EMC's technical expert, Mr. Jestice offered his opinion on the very same theory. Zerto's contention to the contrary is unavailing. Mr. Jestice's discussion of claim 45 incorporated his discussion of the doctrine of equivalents for claim 33.

Accordingly, EMC requests that the Court include the doctrine of equivalents instruction.

Should the Court agree to include this instruction, the Court should not include Zerto's additional language, which is directed to the defense of "ensnarement." Zerto did not articulate an ensnarement defense to the doctrine of equivalents during discovery. Further, ensnarement is a question of law for the judge, not a question of fact for the jury. *See, e.g.*, AIPLA Model Patent Jury Instructions, § 3.12 n.6.

3.9. INDIRECT INFRINGEMENT – ACTIVE INDUCEMENT

In this case, Zerto is accused of inducing its customers to directly infringe the Asserted Patents, either literally or under the doctrine of equivalents. As with direct infringement, you must determine active inducement on a claim-by-claim basis.

To prove this allegation, EMC must establish that it is more likely than not that:

1. Zerto aided, instructed, or otherwise acted with the intent to cause its customers to act in a manner that constitutes direct infringement of at least one claim of an Asserted Patent;
2. Zerto knew of the Asserted Patent, or showed willful blindness to the existence of the patent, at that time;
3. Zerto knew, or was willfully blind to the fact, that its actions would result in its customers infringing at least one claim of the Asserted Patents; and
4. Zerto's customers directly infringed the at least one claim.

To find willful blindness: (1) Zerto must have subjectively believed that there was a high probability that a patent existed covering its product; and (2) Zerto must have taken deliberate actions to avoid learning of the patent.

To find that Zerto induced infringement, it is not necessary to show that Zerto has directly infringed as long as you find that someone has directly infringed. However, if there is no direct infringement by anyone, Zerto cannot have induced infringement of the Accused Patent.

Furthermore, in order to establish active inducement of infringement, it is not sufficient that Zerto's customers directly infringe the claim. Nor is it sufficient that Zerto was aware of the act(s) by its customers that allegedly constitute the direct infringement. Rather, you must find that Zerto specifically intended for its customers to infringe the Asserted Patents or that Zerto believed there

was a high probability that its customers would infringe the Asserted Patents, but remained willfully blind to the infringing nature of its customers' acts, in order to find inducement of infringement.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 3.3 (2012).

ZERTO'S POSITION:

Zerto proposes the above underlined changes to the instruction. Zerto disagrees that the last paragraph is redundant of the elements set forth earlier in the instruction and believes that the language should be included to clarify for the jury the elements that are required.

EMC'S POSITION

EMC's version of the instruction is clear and adequately sets out the legal standard. EMC's version is also almost identical to the AIPLA Model Patent Jury Instruction § 3.3.

EMC submits that Zerto's additional language is redundant of the elements set forth earlier in the instruction. Additionally, Zerto's proposal has the potential of adding confusion because it omits limitations required to find induced infringement, including that there must be an underlying act of direct infringement.

3.10. CONTRIBUTORY INFRINGEMENT

EMC asserts that Zerto has contributed to the direct infringement of its customers. As with direct infringement, you must determine contributory infringement on a claim-by-claim basis.

To establish contributory infringement of any claim of any Asserted Patent, EMC must prove that it is more likely than not that Zerto had knowledge of the patent, and that:

1. Zerto sells, offers to sell, or imports within the United States a component of a product, or apparatus for use in a process, during the time the Asserted Patent is in force;
2. The component or apparatus has no substantial, non-infringing use;
3. The component or apparatus constitutes a material part of the invention;
4. Zerto knew that the component was especially made for use in a product or method that infringed at least one claim of the Asserted Patent; and
5. Zerto's customers have directly infringed the at least one claim by using the accused products.

To find contributory infringement, it is not necessary to show that Zerto has directly infringed as long as you find that someone has directly infringed. However, if there is no direct infringement by anyone, Zerto cannot have contributed to the infringement of the patent.

Furthermore, as with active inducement, in order to establish contributory infringement, it is not sufficient that Zerto's customers directly infringe the claim. Nor is it sufficient that Zerto was aware of the act(s) by its customers that allegedly constitute the direct infringement. Rather, you must find that Zerto specifically intended for its customers to infringe the Asserted Patents or that Zerto knew that the combination for which the component was designed was both patented and infringing.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 3.4 (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 27 (Jan. 31, 2014).

ZERTO'S POSITION:

Zerto proposes the above changes to these instructions to clarify for the jury the elements that are required, and to explain that the same level of knowledge is required for contributory and induced infringement. *Global Tech. Appliances, Inc. et al. v. S.E.B. S.A.*, 131 S. CT. 2060, 2066-67 (2011).

EMC'S POSITION

EMC's version of the instruction is clear and adequately sets out the legal standard. EMC's version is also based on *Avid* and the AIPLA Model Patent Jury Instruction § 3.4.

EMC submits that Zerto's additional language is redundant of the elements set forth earlier in the instruction. Additionally, Zerto's proposal has the potential of adding confusion because it omits limitations required to find contributory infringement, including that there must be an underlying act of direct infringement and that the component or apparatus must have no substantial, non-infringing use.

3.11. WILLFUL INFRINGEMENT [JOINT]

If you find on the basis of the evidence and the law as I have explained it that the Accused Product infringes one or more of the Asserted Claims, you must further decide whether or not EMC has proven by clear and convincing evidence that Zerto's infringement was willful.

The first part of the test for willful infringement is objective: EMC must persuade you that Zerto acted despite a high likelihood that its actions infringed a valid and enforceable patent. This is known as recklessness. In making this determination, you may not consider Zerto's state of mind. Legitimate or credible defenses to patent infringement, even if not ultimately successful, demonstrate a lack of recklessness.

Only if you conclude that the Zerto's conduct was reckless do you need to consider the second part of the test. The second part of the test does depend on the state of mind of Zerto. EMC must persuade you that Zerto actually knew or should have known that its actions constituted an unjustifiably high risk of infringement of a valid and enforceable patent.

To determine whether Zerto had this state of mind, consider all facts which may include, but are not limited, to:

- (1) Whether or not Zerto acted in accordance with the standards of commerce for its industry;
- (2) Whether or not Zerto intentionally copied a product of EMC that is covered by the Asserted Patent;
- (3) Whether or not there is a reasonable basis to believe that Zerto did not infringe or had a reasonable defense to infringement;
- (4) Whether or not Zerto made a good-faith effort to avoid infringing the Asserted Patent, for example, whether Zerto attempted to design around the Asserted Patent; and
- (5) Whether or not Zerto tried to cover up its infringement

EMC must only rely on conduct that occurred prior to the filing of the lawsuit to prove its allegation of willful infringement. Zerto cannot have willfully infringed a patent of which it was not aware, unless the existence of the patent was so obvious that it should have been known to Zerto.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 3.8 (2012).

Edwards Lifesciences LLC v. Medtronic Corevalve LLC, No. 12-cv-23, D.I. 168 at 28 (Jan. 14, 2014); *Execware, LLC v. Staples, Inc.*, 2012 U.S. Dist. LEXIS 174885 (D. Del. Dec. 10, 2012); *In re Seagate Technology, LLC*, 497 F.3d 1360, 1374 (Fed. Cir. 2007) (en banc).

**3.12. INFRINGEMENT DESPITE DEFENDANT'S IMPROVEMENTS OR
PATENTS ON IMPROVEMENTS**

Zerto argues that the Accused Product represents an improvement over the inventions claimed in the Asserted Patents. However, as long as EMC proves by a preponderance of the evidence that the Accused Product includes all of the elements of at least one Asserted Claim, then you may still find infringement even if there are improvements made to Zerto's product or method, so long as the presence of the additional component or method steps does not negate an element of the claim. Even if you believe that Zerto has made improvements over the inventions claimed in the Asserted Patents, you may still find Zerto liable for infringing EMC's Asserted Claims.

AUTHORITY

Finjan, Inc. v. Symantec Corp, No. 10-cv-593, D.I. 743 at 31 (Dec. 20, 2012).

ZERTO'S POSITION:

Zerto disagrees that this instruction is appropriate or necessary as it would be confusing to the jury and is not relevant to any issue in the case. The instruction suggests that Zerto's Accused Product includes the elements of the Asserted Claims, but that Zerto denies infringement because the Accused Product is an improvement over what is claimed. That is not the case.

EMC'S POSITION:

EMC submits that the first two paragraphs of Zerto's trial brief indicate that this instruction is necessary. There, Zerto argues that EMC's "old patents" have nothing to do with "Zerto's cutting-edge, virtualized replication system." Zerto Trial Br. at 1. Any prejudice arising from Zerto's argument is precisely what this instruction is intended to address.

4. INVALIDITY

4.1. PRESUMPTION OF VALIDITY—BURDEN OF PROOF [JOINT]

Patent invalidity is a defense to patent infringement. I will now instruct you on the rules you must follow in deciding whether or not Zerto has proven that any Asserted Claim is invalid. Even though the U.S. Patent Office examiner has found each Asserted Claim patentable, you have the ultimate responsibility for deciding whether each Asserted Claim is valid.

I will now instruct you on the invalidity issues you should consider. To prove that any claim of a patent is not valid, Zerto must persuade you by clear and convincing evidence, i.e., you must be left with a clear conviction that the claim is not valid. As with infringement, you must determine invalidity on a claim-by-claim basis.

The granting of a patent by the U.S. Patent Office carries with it the presumption that the patent is valid and that the patent's subject matter is new, useful, and constitutes an advance that was not, at the time the invention was made, obvious to one of ordinary skill in the art. The law presumes, in the absence of clear and convincing evidence to the contrary, that the U.S. Patent Office acted correctly in issuing the patent. Nevertheless, once the validity of a patent has been put at issue, it is the responsibility of a jury to review what the U.S. Patent Office has done consistent with these instructions on the law.

Even if you find one Asserted Claim invalid, other claims of the same patent may still be valid.

AUTHORITY

LG Electronics U.S.A., Inc. v. Whirlpool Corp., No. 08-cv-234, D.I. 394 at 19 (Mar. 9, 2010); Federal Circuit Bar Association Model Patent Jury Instructions § 4.1 (2012); *Finjan, Inc. v. Symantec Corp.*, No. 10-cv-593, D.I. 743 at 34 (Dec. 20, 2012); *Braun Melsungen AG v. Terumo Med. Corp.*, No. 09-cv-347, D.I. 339 at 27 (Nov. 18, 2010).

4.2. EFFECTIVE FILING DATE [JOINT]

Some of the instructions about invalidity that I am about to give you require you to know the filing date of the patents in question. This filing date may also be referred to as the “effective filing date.” In this case, the parties agree that the effective filing dates are set out in the following table:

PATENT	DATE
'460 Patent	September 23, 1997
'222 Patent	October 13, 1994
'867 Patent	February 17, 2006
'395 Patent	May 2, 2006
'091 Patent	May 2, 2006

AUTHORITY

Avid Tech. v. Harmonic Inc., No. 11-cv-1040, D.I. 153 at 31 (Jan. 31, 2014)

4.3. PRIOR ART [JOINT]

Prior art includes any of the following items received into evidence during trial:

1. Any product or method that was publicly known or used by others in the United States before a patented invention was made;
2. Patents that issued more than one year before the filing date of the patent, or before the invention was made;
3. Publications having a date more than one year before the filing date of the patent, or before the invention was made;
4. Any product or method that was in public use or on sale in the United States more than one year before the patent was filed.

Below is a list of the patents, publications or products that Zerto contends are prior art to the Asserted Patents. Zerto must prove by clear and convincing evidence that each of the prior art references listed below qualifies as prior art to the Asserted Patents.³

'460 Patent:

1. U.S. Patent No. 6,073,208 ("Bergsten")
2. U.S. Patent No. 5,544,347 ("Yanai")
3. U.S. Patent No. 5,991,813 ("Zarrow")

'222 Patent:

1. U.S. Patent No. 5,664,186 ("Bennett")
2. Application of Implementing Concurrent Copy, Document Number GG24-3990-00 ("Concurrent Copy")
3. Application of Freeze Frame User's Guide, Version 1.1 ("Freeze Frame")

³ This list will be revised at the close of Zerto's case, subject to the evidence introduced by Zerto.

'395 and '091 Patents:

1. U.S. Patent No. 7,720,817 (“Stager II”)
2. U.S. Patent No. 7,421,617 (“Anderson”)
3. U.S. Patent No. 7,577,867 (“Lewin”)
4. Mendocino RecoveryONE (“Mendocino”)
5. EMC Legato NetWorker PowerSnap Module for EMC Symmetrix DMX Version
2.1 Installation and Administrator’s Guide (“NetWorker”)

'867 Patent:

1. The Kashya KBX4000 product.

AUTHORITY

AIPLA’s Model Patent Jury Instructions § 5.0 (2012).

4.4. ANTICIPATION

A person cannot obtain a patent if someone else already has made an identical invention. If a device or process has been previously invented and disclosed to the public, then it is not new, and therefore the claimed invention is “anticipated” by the prior invention. Simply put, the invention must be new to be entitled to patent protection under the U.S. patent laws. To prove anticipation, Zerto must prove with clear and convincing evidence that the claimed invention is not new. You must determine anticipation on a claim-by-claim basis.

For a claim to be anticipated, each and every element of the claim must be present in a single item of prior art, and arranged or combined in the same way as recited in the claim. You may not combine two or more items of prior art to find anticipation. The disclosure in the prior art does not have to be in the same words as the claim. In determining whether every element of a claim is found in a prior art reference (such as a prior publication, patent or product), you must take into account what a person of ordinary skill in the art would have understood from his or her review of the particular prior publication, patent or product.

In determining whether the particular item of prior art anticipates a patent claim, you should take into consideration what is expressly stated or is inherent in the particular item of prior art.

In evaluating whether a prior art reference anticipates a claim, you must also determine whether a person having ordinary skill in the art at the time would have been able to make the claimed invention, based solely on the description in the prior art reference and their own knowledge. If the prior art reference would not have enabled a person having ordinary skill in the art to make the claimed invention, it cannot be considered as a prior art reference for the purposes of evaluating anticipation.

Zerto contends that all asserted claims of the '460 patent are anticipated by each of the following purported prior art references alone:⁴

1. Bergsten
2. Yanai

Zerto contends that claim 1 of the '222 patent is anticipated by each of the following purported prior art references alone:

1. Bennett
2. Concurrent Copy
3. Freeze Frame

Zerto contends that all asserted claims of the '395 and '091 patents are anticipated by each of the following purported prior art references alone:

1. Stager II
2. Anderson
3. Lewin
4. Mendocino

Zerto contends that claim 45 of the '867 patent is anticipated by the following purported prior art reference alone:

1. The Kashya KBX4000 product

If you find by clear and convincing evidence that a patent claim is not new as explained above, namely, that all of the elements of that claim are found either literally or inherently in a single prior art reference, you must find that claim invalid.

⁴ This list will be revised at the close of Zerto's case, subject to the evidence introduced by Zerto.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 6.0 (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 35-36 (Jan. 31, 2014).

ZERTO'S POSITION:

Zerto proposes the above underlined changes to this instruction, which are taken from the AIPLA Model Patent Jury Instructions and the *Finjan*, *LG* and *Avid* cases cited by EMC herein. Zerto's disagrees that the instruction misstates the standard for anticipation and Zerto believes the additional language would be helpful to the jury in understanding the concept of anticipation.

EMC'S POSITION

EMC objects to two aspects of Zerto's proposal. First, EMC objects to the use of "inherency" without further clarification to the jury regarding (1) what the standard for inherency is; and (2) an articulation by Zerto in these instructions as to which references it contends inherently anticipate which claims.

Second, Zerto's proposed addition: "if you find by clear and convincing evidence . . . that all of the elements of that claim are found either literally or inherently in a single prior art reference, you must find that claim invalid" is error because it misstates the law. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) ("Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'").

If the Court is inclined to include language on inherency, EMC respectfully requests that an additional instruction on inherency be given to set out its boundaries clearly for the jury.

Such an instruction may be found in *Finjan, Inc. v. Symantec Corp*, No. 10-cv-593, D.I. 743 at 36 (Dec. 20, 2012).

4.5. OBVIOUSNESS [JOINT]

Even though an invention may not have been identically disclosed or described before it was made by an inventor, in order to be patentable, the invention must also not have been obvious to a person of ordinary skill in the field of technology of the patent at the time the invention was made. Unlike anticipation, which allows consideration of only one item of prior art, obviousness may be shown by considering more than one item of prior art. As with anticipation, you must determine obviousness on a claim-by-claim basis.

In deciding obviousness, you must avoid using hindsight; that is, you should not consider what is known today or what was learned from the teachings of the patent. You should not use the patent as a road map for selecting and combining items of prior art. The existence of each and every element of the claimed invention in the prior art does not necessarily prove obviousness. Most, if not all, inventions rely on building blocks of prior art. You must put yourself in the place of a person of ordinary skill in the art at the time the invention was made.

The following factors must be evaluated to determine whether Zerto has established that the claimed invention(s) is obvious:

1. The scope and content of the prior art relied upon by Zerto;
2. The difference or differences, if any, between each claim of each patent-in-suit that Zerto contends is obvious and the prior art;
3. The level of ordinary skill in the art at the time the inventions of the respective patents-in-suit were made; and
4. Additional considerations, if any, that indicate that the invention was obvious or not obvious.

Each of these factors must be evaluated, although they may be analyzed in any order, and you must perform a separate analysis for each of the claims. Zerto must prove obviousness by clear and convincing evidence.

Zerto contends that the following single references or combinations of references render the patent obvious.⁵

Zerto contends that the asserted claims of the '460 patent are obvious in view of the following combinations of purported prior art references:

1. Yanai, Bergsten and/or Zarrow

Zerto contends that the asserted claims of the '395 and '091 patents are obvious in view of the following combinations of purported prior art references:

1. Stager and NetWorker
2. Anderson and NetWorker
3. Lewin
4. Mendocino and NetWorker

I will now explain each of the four obviousness factors you must evaluate in more detail.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 7.0 (2012); Federal Circuit Bar Association Model Patent Jury Instructions § 4.3c (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 37-39 (Jan. 31, 2014).

⁵ This list will be revised at the close of Zerto's case, subject to the evidence introduced by Zerto.

4.6. THE FIRST OBVIOUSNESS FACTOR: SCOPE OF PRIOR ART [JOINT]

You must determine what is the prior art that may be considered in determining whether one or more of the Asserted Claims would have been obvious. The scope and content of prior art for deciding whether the invention was obvious includes prior art in the same field as the claimed invention, regardless of the problem addressed by the item or reference, and prior art from different fields that a person of ordinary skill in the art using common sense might combine if familiar so as to solve the problem, like fitting together the pieces of a puzzle.

When a party attacking the validity of a patent relies on prior art which was specifically considered by the Examiner during the prosecution of the application leading to the issuance of the patent, that party bears the burden of overcoming the deference due a qualified government agency official presumed to have performed his or her job.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 7.1 (2012); Federal Circuit Bar Association Model Patent Jury Instructions § 4.3c (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 40 (Jan. 31, 2014).

4.7. THE SECOND OBVIOUSNESS FACTOR: DIFFERENCES BETWEEN THE CLAIMS AND THE PRIOR ART

You should analyze whether there are any relevant differences between the prior art and the claimed invention from the view of a person of ordinary skill in the art at the time of the invention. Your analysis must determine the impact, if any, of such differences on the obviousness or nonobviousness of the invention as a whole, and not merely some portion of it.

In analyzing the relevance of the differences between the claimed invention and the prior art, you do not need to look for precise teaching in the prior art directed to the subject matter of the claimed invention. You may take into account the inferences and creative steps that a person of ordinary skill in the art would have employed in reviewing the prior art at the time of the invention. For example, if the claimed invention combined elements known in the prior art and the combination yielded results that were predictable to a person of ordinary skill in the art at the time of the invention, then this evidence would make it more likely that the claim was obvious. On the other hand, if the combination of known elements yielded unexpected or unpredictable results, or if the prior art teaches away from combining the known elements, then this evidence would make it more likely that the claim that successfully combined those elements was not obvious.

Importantly, a claim is not proved obvious merely by demonstrating that each of the elements was independently known in the prior art. You must consider the invention as a whole. Most, if not all, inventions rely on building blocks long since uncovered, and claimed discoveries almost of necessity will likely be combinations of what is already known. Therefore, you should consider whether a reason existed at the time of the invention that would have prompted a person of ordinary skill in the art in the relevant field to combine the known elements in the way the claimed invention does. The reason could come from the prior art, the background knowledge of

one of ordinary skill in the art, the nature of the problem to be solved, market demand, or common sense. You may also consider whether the problem or need was known, the possible approaches to solving the problem or addressing the need were known and finite, and the solution was predictable through use of a known option.

If you find that a reason existed at the time of the invention to combine the elements of the prior art to arrive at the claimed invention, this evidence would make it more likely that the claimed invention was obvious. Again, you must undertake this analysis separately for each claim that Zerto contends is obvious.

In considering whether a claimed invention is obvious, you may but are not required to find obviousness if you find that at the time of the claimed invention, there was a reason that would have prompted a person having ordinary skill in the field of the invention to combine the known elements in a way the claim invention does, taking into account factors such as:

whether the claimed invention was merely the predictable result of

using prior art elements according to their known functions;

whether the claimed invention provides an obvious solution to a

known problem in the relevant field;

whether the prior art teaches or suggests the desirability of

combining elements claimed in the invention;

whether the prior art teaches away from combining the elements in

the claimed invention;

whether the elements from the prior art could have been combined

in a way that is claimed without undue experimentation;

whether it would have been obvious to try the combinations of
elements, such as when there is a design need or market pressure to
solve a problem and there are a finite number of predictable
solutions; and
whether the change resulted more from design incentives or other
market forces.

To find it rendered the invention obvious, you must find that the prior art provided a reasonable
expectation of success.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 7.2 (2012).

ZERTO'S POSITION:

Zerto proposes the addition of the above underlined language, which is taken from the *Avid* case cited by EMC. Zerto disagrees that the language is duplicative and believes that the language above would assist the jury in understanding the factors it may consider in determining whether the prior art included teachings that would have led a person having ordinary skill in the art to combine elements in the manner claimed.

EMC'S POSITION

EMC's proposal is very close to the AIPLA Model Patent Jury Instructions § 7.2. EMC submits that Zerto's proposed addition is duplicative of the elements already set forth in the model instruction.

**4.8. THE THIRD OBVIOUSNESS FACTOR:
LEVEL OF ORDINARY SKILL [JOINT]**

Obviousness is determined from the perspective of a person of ordinary skill in the art. The person of ordinary skill is presumed to know all prior art that you have determined to be reasonably relevant. The person of ordinary skill is also a person of ordinary creativity that can use common sense to solve problems.

In deciding what the level of ordinary skill in the field of the invention is, you should consider all the evidence introduced at trial, including but not limited to:

1. The levels of education and experience of the inventors and other persons actively working in the field;
2. The types of problems encountered in the field;
3. Prior art solutions to those problems;
4. Rapidity with which innovations are made; and
5. The sophistication of the technology.

In this case, EMC contends that a person of ordinary skill in the art would have had a Bachelor level degree in computer science, computer engineering, electrical engineering, mathematics or a related field in computing technology, and a few years of experience with data storage systems, or equivalent research experience or knowledge.

Zerto contends that a person of ordinary skill in the art would have had a Bachelor's level degree in computer science, computer engineering, electrical engineering, or a related field in computing technology, and a few years of experience with data storage systems, or equivalent research experience or knowledge. This description is approximate, and a higher level of education or skill might make up for less experience, and vice-versa.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 4.3c(i).

4.9. THE FOURTH OBVIOUSNESS FACTOR: EVIDENCE CONCERNING NON-OBVIOUSNESS (SECONDARY CONSIDERATIONS) [JOINT]

Before deciding the issue of obviousness or non-obviousness, you must also consider certain factors which, if established, may indicate that the invention would not have been obvious. No factor alone is dispositive, and you must consider the obviousness or non-obviousness of the invention as a whole.

The factors are:

1. Commercial success of products covered by the asserted claims;
2. A long felt need in the art for a solution to a problem facing the inventors, which was satisfied by the invention of the asserted claims;
3. The failure of others to make the invention;
4. Whether the inventors proceeded contrary to accepted wisdom of the prior art;
5. Copying of the invention by others in the field

These factors are only relevant to obviousness if there is a connection, or nexus, between them and the invention covered by the patent claims. Even if you conclude that some of the above indicators have been established by EMC, those factors should be considered along with all other evidence to determine whether Zerto has proven, by clear and convincing evidence, that an Asserted Claim would have been obvious at the time of the invention.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 7.4 (2012); Federal Circuit Bar Association Model Patent Jury Instructions § 4.3c (2012); *Edwards Lifesciences LLC v. Medtronic Corevalve LLC*, No. 12-cv-23, D.I. 168 at 38 (Jan. 14, 2014).

4.10. NON-OBVIOUSNESS – HINDSIGHT BIAS [JOINT]

The question of non-obviousness is simple to ask, but on occasion difficult to answer. A person of ordinary skill in the art is presumed to have knowledge of the relevant prior art at the time of the invention. If you find the available prior art shows each of the elements of the asserted claims, you must determine whether it would then have been obvious to a person of ordinary skill in the art to combine or coordinate these elements in the same manner as the asserted claims.

The difficulty that attaches to honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the Asserted Patents as a guide through the maze of prior art references, to combine the right references in the right way so as to achieve the result of the asserted claims.

You must put your mind back to the time each Asserted Patent was filed and determine what one of ordinary skill in the art would have known then.

AUTHORITY

Uniform Jury Instructions for Patent Cases in the United States District Court for the District of Delaware, § 4.8.5, (Mar. 1993); *Linear Tech. Corp. v. Monolithic Power Sys., Inc.*, No. 06-cv-476, D.I. 228 at 33 (July 2, 2008); AIPLA's Model Patent Jury Instructions § 7.0 (2012).

5. DAMAGES

5.1. DAMAGES – GENERALLY

If you find that the Accused Product infringes any Asserted Claim, and that the infringed claim(s) are not invalid, you must determine the amount of damages to be awarded EMC for the infringement. EMC has the burden to establish the amount of its damages by a preponderance of the evidence, and is entitled to all damages that can be proven with reasonable certainty. On the one hand, reasonable certainty does not require proof of damages with mathematical precision. Mere difficulty in ascertaining damages is not fatal to a party's right to recover. On the other hand, a party is not entitled to speculative damages; that is, you should not award any amount of loss that, although possible, is wholly remote or the result from mere conjecture.

Patent law provides that in the case of infringement of a valid patent claim, the owner of the patent shall be awarded damages adequate to compensate for the infringement. Damages are compensation for all losses suffered as a result of the infringement. There are different types of damages that the patent owner may be entitled to recover. In this case, EMC seeks a reasonable royalty on Zerto's past sales.

If proven by EMC, the amount of those damages must compensate EMC for the infringement. The purpose of a damage award is to put EMC in about the same financial position it would have been in if the infringement had not happened. But, the damage award cannot be less than a reasonable royalty. You may not add anything to the amount of damages to punish an accused infringer or to set an example. You also may not add anything to the amount of damages for interest.

If you decide that there has been infringement, and that such infringement was willful, that decision must not affect the amount of damages. I will take willfulness into account later.

The fact that I am instructing you on damages does not mean that the Court believes that one party or the other should win in this case. My instructions about damages are for your guidance only in the event you find in favor of EMC.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 11.0 (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 41 (Jan. 31, 2014).

ZERTO'S POSITION:

Zerto proposes the above underlined language in this instruction, which is taken from the *LG* case relied upon by EMC and the AIPLA's Model Patent Jury Instructions. Zerto believes that the language will help to clarify the instruction for the jury, and disagrees that the language is relevant only to lost profits.

EMC'S POSITION:

EMC is entitled to a reasonable royalty by statute if infringement is proven. 35 U.S.C. § 284. EMC objects to Zerto's proposed language because the phrase "that is, you should not award any amount of loss that, although possible, is wholly remote or the result from mere conjecture" implies that EMC must have suffered a loss other than Zerto's infringement in order to receive damages. This is not the law.

Additionally, Zerto did not provide a pin cite, but EMC believes that Zerto is mistaken that its additional language is taken from the AIPLA Model Patent Jury Instructions.

5.2. DAMAGES – REASONABLE ROYALTY [JOINT]

If you find that EMC has established infringement, EMC is entitled to at least a reasonable royalty to compensate it for that infringement.

A royalty is a payment made to a patent holder in exchange for the right to make, use, or sell the claimed invention. A reasonable royalty is the amount of royalty payment that a patent holder and the infringer would have agreed to in a hypothetical negotiation taking place at a time prior to when the infringement first began. In considering this hypothetical negotiation, you should focus on what the expectations of EMC and Zerto would have been had they entered into an agreement at that time, and had they acted reasonably in their negotiations.

In determining this, you must assume that both parties believed the patent was valid and infringed and the patent holder and infringer were willing to enter into an agreement. The reasonable royalty you determine must be a royalty that would have resulted from the hypothetical negotiation, and not simply a royalty either party would have preferred. Evidence of things that happened after the infringement first began can be considered in evaluating the reasonable royalty only to the extent that the evidence aids in assessing what royalty would have resulted from a hypothetical negotiation.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 6.6 (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 49-50 (Jan. 31, 2014).

5.3. REASONABLE ROYALTY – RELEVANT FACTORS [JOINT]

In determining the reasonable royalty, you should consider all the facts known and available to the parties at the time the infringement began. Some of the kinds of factors that you may consider in making your determination are:

1. The royalties received by the patentee for the licensing of the patent-in-suit, proving or tending to prove an established royalty.
2. The rates paid by the licensee for the use of other patents comparable to the patent-in-suit.
3. The nature and scope of the license, as exclusive or nonexclusive, or as restricted or non-restricted in terms of territory or with respect to whom the manufactured product may be sold.
4. The licensor's established policy and marketing program to maintain his or her patent monopoly by not licensing others to use the invention or by granting licenses under special conditions designed to preserve that monopoly.
5. The commercial relationship between the licensor and licensee, such as whether they are competitors in the same territory in the same line of business, or whether they are inventor and promoter.
6. The effect of selling the patented specialty in promoting sales of other products of the licensee, the existing value of the invention to the licensor as a generator of sales of his non-patented items, and the extent of such derivative or convoyed sales.
7. The duration of the patent and the term of the license.
8. The established profitability of the product made under the patents, its commercial success, and its current popularity.

9. The utility and advantages of the patented property over the old modes or devices, if any, that had been used for working out similar results.
10. The nature of the patented invention, the character of the commercial embodiment of it as owned and produced by the licensor, and the benefits to those who have used the invention.
11. The extent to which the infringer has made use of the invention and any evidence probative of the value of that use.
12. The portion of the profit or of the selling price that may be customary in the particular business or in comparable business to allow for the use of the invention or analogous inventions.
13. The portion of the realizable profits that should be credited to the invention as distinguished from non-patented elements, the manufacturing process, business risks, or significant features or improvements added by the infringer.
14. The opinion and testimony of qualified experts.
15. The amount that a licensor (such as the patentee) and a licensee (such as the infringer) would have agreed upon (at the time the infringement began) if both had been reasonably and voluntarily trying to reach an agreement; that is, the amount which a prudent licensee—who desired, as a business proposition, to obtain a license to manufacture and sell a particular article embodying the patented invention—would have been willing to pay as a royalty and yet be able to make a reasonable profit and which amount would have been acceptable by a prudent patentee who was willing to grant a license.

No one factor is dispositive and you can and should consider the evidence that has been presented to you in this case on each of these factors. You may also consider any other factors which in your mind would have increased or decreased the royalty the infringer would have been willing to pay and the patent holder would have been willing to accept, acting as normally prudent business people. The final factor establishes the framework which you should use in determining a reasonable royalty, that is, the payment that would have resulted from a negotiation between the patent holder and the infringer taking place at a time prior to when the infringement began.

AUTHORITY

Federal Circuit Bar Association Model Patent Jury Instructions § 6.7 (2012); *Avid Tech. v. Harmonic Inc.*, No. 11-cv-1040, D.I. 153 at 51-52 (Jan. 31, 2014).

5.4. REASONABLE ROYALTY – MULTIPLE PATENTS [JOINT]

If you find that Zerto infringed multiple patents, even by a single infringing act and if you award a reasonable royalty for the infringement, then you may award separate royalties to EMC for each patent that was infringed. You also may consider the number of patent licenses that are needed for the allegedly infringing product and the effect on the hypothetical negotiation of having to pay a royalty for each of those licenses.

AUTHORITY

AIPLA's Model Patent Jury Instructions § 11.17 (2012)

6. DELIBERATION AND VERDICT [JOINT]

How you conduct your deliberations is up to you. But, however you conduct those deliberations, please remember that your verdict must represent the considered judgment of each juror.

It is your duty, as jurors, to consult with one another and to deliberate with a view toward reaching an agreement, if you can do so without violence to your individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion, if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because the opinion of your fellow jurors, or for the purpose of returning a verdict. Remember at all times that you are not partisans. You are judges – judges of the facts, not me. Your sole interest is to seek the truth from the evidence in that case. In order for you as a jury to return a verdict, it is necessary that each juror agree to the verdict. Your verdict must be unanimous.

A form of verdict has been prepared for you. You will take this form to the jury room and when you have reached unanimous agreement as to your verdict, you will have your foreperson fill in, date and sign the form. You will then return to the courtroom, your foreperson will give the form to my Deputy Clerk and your verdict shall be announced.

It is proper to add the caution that nothing said in these instructions, and nothing in the form of a verdict, is meant to suggest or convey in any way or manner any intimation as to what verdict I think you should find. What the verdict shall be is your sole and exclusive duty and responsibility.

That concludes the part of my instructions explaining the rules for considering the testimony and evidence. Now let me finish up by explaining how you may communicate questions or messages to the court.

Once you start deliberating, do not talk to the Jury Officer, to my Deputy Clerk, or to me, or to anyone else except each other about the case. Further, you may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry or computer; the Internet, any Internet service, or any text or instant messaging service; or any Internet chat room, blog, or social networking website such as Twitter, Facebook, MySpace, LinkedIn, or YouTube, to communicate to anyone any information about this case or to conduct any research about this case until I accept your verdict.

If you have any questions or messages, you must write them down on a piece of paper, sign them, and then give them to the Jury Officer. The question will be given to me, and I will respond as soon as I can. I may have to talk to the lawyers about what you have asked, so it may take some time to get back to you. Any questions or messages are normally sent to me through the foreperson, who by custom of this court is juror number one.

One more thing about messages. Do not ever write down or tell anyone else how you stand on your votes. For example, do not write down or tell anyone else that you are split 6-2, or 4-4, or whatever your vote happens to be. That should stay secret until you are finished.

Let me finish by repeating something I said to you earlier. Nothing that I have said or done during this trial was meant to influence your decision in favor of either party. You must decide the case yourselves based on the evidence presented.

AUTHORITY

The Honorable Judge Sleet, Miscellaneous Jury Instructions (Rev. 1/18/06), at 7-9.

APPENDIX A – DEFINITION OF CLAIM TERMS**The '867 Patent**

Claim Term	Construction
“consistency group” (’867 Patent claim 45)	“a basic logical entity for which data protection services, such as replication, tagging and journaling, are provided by a DPA; a consistency group includes (i) at least one logical storage unit for a source side storage system that is to be protected, (ii) corresponding logical units for a backup site, and (iii) at least one logical unit used for journaling at the backup site by storing a journal, which is a record of write transactions used to maintain and rollback a duplicative storage system to a previous point in time”
“data protection appliance” or “DPA” (’867 Patent claim 45)	“a computer or a cluster of computers that serve as a data protection appliance, responsible for data protection services including inter alia data replication of a storage system, and journaling of I/O requests issued by a host computer to the storage system by storing the I/O requests in a journal, which is a record of write transactions used to maintain and rollback a duplicate storage system to a previous point in time”
“host device” (’867 Patent claim 45)	“an internal interface in a host, to a logical storage unit”
“host device controller(s)” (’867 Patent claim 45)	“hardware and/or software, associated with a host device, that processes I/O requests”

Claim Term	Construction
<p>“initiate tags” * “initiating a tag” (’867 Patent claim 45)</p>	<p>“begin the process of marking a consistency group at a specific point in time” * “beginning the process of marking a consistency group at a specific point in time”</p>
<p>“issue requests” (’867 Patent claim 45)</p>	<p>“send requests”</p>
<p>“logical parts of a network” (’867 Patent claim 45)</p>	<p>“non-physical parts of a network”</p>
<p>“tag” * “tagging” (’867 Patent claim 45)</p>	<p>“a special write transaction to mark a point in time” * “writing a special write transaction to mark a point in time”</p>
<p>“data protection appliance (DPA) manager” (’867 Patent claim 45)</p>	<p>“a computer or cluster of computers that receives a cross-tag instruction, sends quiesce and tag commands, receives confirmations, and sends un-quiescence commands”</p>

APPENDIX A CONT. – DEFINITION OF CLAIM TERMS**The '460 Patent**

Claim Term	Construction
“communication link” (’460 Patent claims 1, 30, 38, 44)	“a path over which data can be transferred”
“intranet” (’460 Patent claims 32, 40, 44)	“a private communication network that uses Internet technologies, including Internet Protocol, to share data and/or resources within a private enterprise”
“mirroring controller” (’460 Patent claims 1, 44)	“one or more controllers configured to mirror”
“network cloud” (’460 Patent claims 1, 30, 32, 37, 38, 40)	“a communication system that implements a protocol wherein information transferred through the cloud includes a destination address so that the information can be transported by the cloud to the appropriate destination”
“storage system” (’460 Patent claims 1,10, 37-38, 42, 44-45)	“the set of components that stores and controls the storage of information written from the CPU, including one or more storage devices and one or more controllers”
“controller” (’460 Patent claims 38, 42)	“a component of the storage system that controls at least one function of the storage system”
“to mirror at least some of the information written from the CPU to the first storage system in the second storage system” (’460 Patent claims 1, 44)	“maintain a continually updated copy of data that exists on a first storage system on a second storage system by creating, in essentially real-time, an identical copy of at least some of the information written from the CPU to the first storage system in the second storage system”

APPENDIX A CONT. – DEFINITION OF CLAIM TERMS**The '222 Patent**

Claim Term	Construction
“actual data storage device” (’222 Patent claim 1)	“a readable and writable physical storage device”
“mass storage system” (’222 Patent claim 1)	“storage system that includes one or more physical storage devices”
“selected moment” (’222 Patent claim 1)	“point in time that was selected”
“virtual device” (’222 Patent claim 1)	“a device that appears as an actual storage device”
“original data block” (’222 Patent claim 1)	Plain and ordinary meaning.
“when a new block written to the mass storage system is to overwrite the original data block” (’222 Patent claim 1)	“in response to a new block written to the mass storage system that is to overwrite the original data block”
“preservation memory” (’222 Patent claim 1)	“storage used for preserving data blocks”

APPENDIX A CONT. – DEFINITION OF CLAIM TERMS**The '395 and 091 Patents**

Claim Term	Construction
“dataset” ('395 Patent claim 1; '091 Patent claim 1)	“a collection of data”
“production application” ('395 Patent claim 1; '091 Patent claim 1)	“one or more software application(s) that generate(s) data”
“reliably” ('395 Patent claim 1)	“dependably”
“replication application” ('395 Patent claims 1, 2, 8; '091 Patent claims 1, 5)	“an application configured to create a replica of a dataset and perform other replication operations”
“replication operations” ('395 Patent claim 1; '091 Patent claim 1)	“operations performed by a replication application, e.g., mirroring and/or backup/recovery operations”
“write journal” ('395 Patent claims 1, 4; '091 Patent claim 1)	“storage in which a series of write transactions are stored along with information that can be used to identify an order of the write transactions”
“event marker” ('395 Patent claim 1; '091 Patent claim 1)	“a data structure that includes information that can be used to identify a pseudosnapshot”
“pseudosnapshot” ('395 Patent claims 1, 8; '091 Patent claims 1, 5)	“a dataset, identified by an event marker, within the continuous data protection system that can be surfaced”
“quiescent state” ('395 Patent claim 1; '091 Patent claim 1)	“an inactive state wherein the production application does not generate write operations” ⁶
“surfacing [a / the] copy of the at least a portion of the series of transactions” ('395 Patent claims 1, 8)	“generating [a / the] data structure from the dataset of at least a portion of the series of transactions”

⁶ A ‘quiescent state’ an application consistent state that necessarily requires an instruction to the application to ‘quiesce.’

ZERTO'S POSITION:

Zerto objects to EMC's footnote 6. Zerto's believes that the Court's construction of this term is clear on its face and that the footnote proposed by EMC injects ambiguity into the construction and would be confusing to the jury, at least because it includes the technical language "application consistent state," and "instruction to the application." It is also confusing because it includes the term "quiesce," which is the term being construed. Moreover, it would be inappropriate to include this additional language because the purpose of the appendix is to provide for the jury the claim terms and their constructions, not to characterize the constructions, which is what EMC's proposed footnote is intended to do.

EMC'S POSITION:

EMC's footnote is a direct quotation from the Court's *Markman* order. The footnote clarifies that a "quiescent state" requires an instruction to "quiesce." The Court omitted this language from its formal instruction, but instructed the parties not to interpret the term "quiescent state" in a manner inconsistent with the Court's reasoning. EMC's footnote therefore clarifies the full meaning of the Court's formal construction, and reduces the likelihood that the jury would apply "quiescent state" in a manner inconsistent with the Court's reasoning.

SCHEDULE I(ii)-2:

EMC'S PROPOSED VERDICT FORM

I. PATENT INFRINGEMENT

A. Infringement of U.S. Patent Number 7,577,867 (“the ’867 patent”)

- 1. Has EMC proven, by a preponderance of the evidence, that Zerto has directly infringed claim 45 of the ’867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

- 2. Has EMC proven, by a preponderance of the evidence, that Zerto has induced infringement of claim 45 of the ’867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

- 3. If you answered “Yes” to any of Questions 1-2, has EMC proven, by clear and convincing evidence, that the infringement was willful?**

Yes _____ No _____

B. Infringement of U.S. Patent Number 7,467,460 (the '460 patent)

1. Has EMC proven, by a preponderance of the evidence, that Zerto has induced infringement of any Asserted Claim of the '460 patent?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be infringed:

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

2. Has EMC proven, by a preponderance of the evidence, that Zerto has contributed to the infringement of any Asserted Claim of the '460 patent?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be infringed:

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

C. Infringement of U.S. Patent Number 6,073,222 (the '222 patent)

- 1. Has EMC proven, by a preponderance of the evidence, that Zerto has induced infringement of claim 1 of the '222 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

- 2. Has EMC proven, by a preponderance of the evidence, that Zerto has contributed to the infringement of claim 1 of the '222 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

D. Infringement of U.S. Patent Number 7,603,395 (the '395 patent)

- 1. Has EMC proven, by a preponderance of the evidence, that Zerto has induced infringement of any Asserted Claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be infringed:

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

- 2. Has EMC proven, by a preponderance of the evidence, that Zerto has contributed to the infringement of any Asserted Claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be infringed:

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

E. Infringement of U.S. Patent Number 7,791,091 (the '091 patent)

- 1. Has EMC proven, by a preponderance of the evidence, that Zerto has induced infringement of any Asserted Claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be infringed:

Claim 1: _____ Claim 5: _____

- 2. Has EMC proven, by a preponderance of the evidence, that Zerto has contributed to the infringement of any Asserted Claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be infringed:

Claim 1: _____ Claim 5: _____

II. VALIDITY⁴

A. Validity of U.S. Patent Number 7,467,460 (the '460 patent)

- 1. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '460 patent is anticipated by a single prior art reference?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be anticipated:

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

- 2. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '460 patent would have been obvious at the time of the invention to a person of ordinary skill in the art?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be obvious:

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

⁴ EMC believes that the doctrine of assignor estoppel bars Zerto from challenging the validity of the '867 patent. Accordingly, EMC has not provided a proposed verdict form concerning the validity of the '867 patent. EMC reserves the right to provide a proposed verdict form if the Court determines that Zerto is not barred from challenging the validity of the '867 patent.

B. Validity of U.S. Patent Number 6,073,222 (the '222 patent)

- 1. Has Zerto proven, by clear and convincing evidence, that claim 1 of the '222 patent is anticipated by a single prior art reference?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

C. Validity of U.S. Patent Number 7,603,395 (the '395 patent)

- 1. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '395 patent is anticipated by a single prior art reference?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be anticipated:

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

- 2. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '395 patent would have been obvious at the time of the invention to a person of ordinary skill in the art?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____ No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be obvious:

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

D. Validity of U.S. Patent Number 7,791,091 (the '091 patent)

- 1. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '091 patent is anticipated by a single prior art reference?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be anticipated:

Claim 1: _____ Claim 5: _____

- 2. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '091 patent would have been obvious at the time of the invention to a person of ordinary skill in the art?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

If you answered "Yes" to this question, please mark the claim(s) you found to be obvious:

Claim 1: _____ Claim 5: _____

III. DAMAGES

- 1. If you found that Zerto infringed at least one Asserted Claim of any Asserted Patent(s), and that the infringed claim(s) was not invalid, state the amount of damages that you find EMC has proven it is entitled to by a preponderance of the evidence.**

Damages: \$_____

SCHEDULE I(ii)-3:

ZERTO'S PROPOSED VERDICT FORM

JURY VERDICT FORM -- PATENT INFRINGEMENT

U.S. Patent Number 7,467,460 (the '460 patent)

Induced Infringement Of The '460 Patent

1. **Has EMC proven that it is more likely than not that each and every element of any claim of the '460 patent is met by a single entity other than Zerto?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 4; if "yes" please mark any claim for which each and every element is met:

Yes _____ No _____

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

-
2. **For only those claims you marked in response to question 1, has EMC proven that it is more likely than not that Zerto instructed or aided the single entity above in directly infringing any claim of the '460 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 4; if "yes" please mark any such claim:

Yes _____ No _____

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 3. For only those claims you marked in response to question 2, has EMC proven that it is more likely than not that Zerto knew of the '460 patent when it instructed or aided the single entity above in directly infringing any claim of the '460 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 4; if "yes" please mark any such claim:

Yes _____ No _____

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

- 4. For only those claims you marked in response to question 3, has EMC proven that it is more likely than not that Zerto knew that its actions would actually cause the single entity above to directly infringe any claim of the '460 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 4; if "yes" please mark any such claim:

Yes _____ No _____

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 5. For only those claims you marked in response to question 4, has EMC proven that it is more likely than not that Zerto intended to cause the single entity above to directly infringe any claim of the '460 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 4; if "yes" please mark any such claim:

Yes _____ No _____

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

-
- 6. For only those claims you marked in response to question 5, has EMC proven that it is more likely than not that Zerto induced infringement of any claim of the '460 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 4; if "yes" please mark any such claim:

Yes _____ No _____

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

U.S. Patent Number 7,603,395 (the '395 patent)

Induced Infringement Of The '395 Patent

1. Has EMC proven that it is more likely than not that each and every element of any claim of the '395 patent is met by a single entity other than Zerto?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any claim for which each and every element is met.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

2. For only those claims you marked in response to question 1, has EMC proven that it is more likely than not that Zerto instructed or aided the single entity above in directly infringing any claim of the '395 patent?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 7; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 3. For only those claims you marked in response to question 2, has EMC proven that it is more likely than not that Zerto knew of the '395 patent when it instructed or aided the single entity above in directly infringing any claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 7; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

- 4. For only those claims you marked in response to question 3, has EMC proven that it is more likely than not that Zerto knew that its actions would actually cause the single entity above to directly infringe any claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 7; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 5. For only those claims you marked in response to question 4, has EMC proven that it is more likely than not that Zerto intended to cause the single entity above to directly infringe any claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 7; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

-
- 6. For only those claims you marked in response to question 5, has EMC proven that it is more likely than not that Zerto induced infringement of any claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 7; if "yes" please mark any such claim:

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

Contributory Infringement Of The '395 Patent

- 7. If you answered YES to question 1, has EMC proven that it is more likely than not that Zerto supplied the single entity above with an important component of a product that directly infringes any claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

- 8. For only those claims you marked in response to question 7, has EMC proven that it is more likely than not that the component supplied by Zerto in question 7 has no substantial non-infringing uses?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any claim for which the component from question 6 is not a common component.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 9. For only those claims you marked in response to questions 7 and 8, has EMC proven that it is more likely than not that Zerto supplied the component from question 7 with knowledge of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any claim for which Zerto supplied the component from question 6 with knowledge of the '395 patent.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

- 10. For only those claims you marked in response to questions 7, 8, and 9, has EMC proven that it is more likely than not that the component Zerto supplied constitutes a material part of the directly infringing product?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 11. For only those claims you marked in response to questions 7, 8, 9, and 10, has EMC proven that it is more likely than not that Zerto knew that the component from question 7 was especially made or adapted for use in an infringing manner?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any claim for which Zerto had knowledge that the component from question 6 was especially made or adapted for use in an infringing manner.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

-
- 12. For only those claims you marked in response to questions 7, 8, 9, 10, and 11, has EMC proven that it is more likely than not that Zerto intended to cause the single entity above to directly infringe any claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 13. For only those claims you marked in response to questions 7, 8, 9, 10, 11 and 12, has EMC proven that that it is more likely than not that Zerto contributorily infringed any claim of the '395 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 11; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

U.S. Patent Number 7,971,091 (the '091 patent)

Induced Infringement Of The '091 Patent

1. **Has EMC proven that it is more likely than not that each and every element of any claim of the '091 patent is met by a single entity other than Zerto?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any claim for which each and every element is met.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

2. **For only those claims you marked in response to question 1, has EMC proven that it is more likely than not that Zerto instructed or aided the single entity above in directly infringing any claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 14; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 3. For only those claims you marked in response to question 2, has EMC proven that it is more likely than not that Zerto knew of the '091 patent when it instructed or aided the single entity above in directly infringing any claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 14; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

- 4. For only those claims you marked in response to question 3, has EMC proven that it is more likely than not that Zerto knew that its actions would actually cause the single entity above to directly infringe any claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 14; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 5. For only those claims you marked in response to question 4, has EMC proven that it is more likely than not that Zerto intended to cause the single entity above to directly infringe any claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 14; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

- 6. For only those claims you marked in response to question 5, has EMC proven that it is more likely than not that Zerto induced infringement of any claim of the '460 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 14; if "yes" please mark any such claim:

Yes _____ No _____

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

Contributory Infringement Of The '091 Patent

- 7. If you answered YES to question 1, has EMC proven that it is more likely than not that Zerto supplied the single entity above with an important component of a product that directly infringes any claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

- 8. For only those claims you marked in response to question 7, has EMC proven that it is more likely than not that the component supplied by Zerto in question 7 has no substantial non-infringing uses?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any claim for which the component from question 6 is not a common component.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 9. For only those claims you marked in response to questions 7 and 8, has EMC proven that it is more likely than not that Zerto supplied the component from question 7 with knowledge of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any claim for which Zerto supplied the component from question 6 with knowledge of the '091 patent.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

- 10. For only those claims you marked in response to questions 7, 8, and 9, has EMC proven that it is more likely than not that the component Zerto supplied constitutes a material part of the directly infringing product?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 11. For only those claims you marked in response to questions 7, 8, 9, and 10, has EMC proven that it is more likely than not that Zerto knew that the component from question 7 was especially made or adapted for use in an infringing manner?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any claim for which Zerto had knowledge that the component from question 6 was especially made or adapted for use in an infringing manner.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

- 12. For only those claims you marked in response to questions 7, 8, 9, 10, and 11, has EMC proven that it is more likely than not that Zerto intended to cause the single entity above to directly infringe any claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 13. For only those claims you marked in response to questions 7, 8, 9, 10, 11 and 12, has EMC proven that it is more likely than not that Zerto contributorily infringed any claim of the '091 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 18; if "yes" please mark any such claim.

Yes _____ No _____

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

U.S. Patent Number 7,577,867 ("the '867 patent")

Direct Infringement of the '867 Patent

1. Has EMC proven that it is more likely than not that each and every element of claim 45 of the '867 patent is present in Zerto's Virtual Replication Software?

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

Yes _____ No _____

Induced Infringement Of The '867 Patent

2. Has EMC proven that it is more likely than not that each and every element of claim 45 of the '867 patent is met by a single entity other than Zerto?

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" for questions 1 and 2 please skip to Page 24.

Yes _____ No _____

3. If you answered YES to question 2, has EMC proven that it is more likely than not that Zerto instructed or aided the single entity above in directly infringing claim 45 of the '867 patent?

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" for questions 1 and 3 please skip to Page 24.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 4. If you answered YES to questions 2 and 3, has EMC proven that it is more likely than not that Zerto knew of the '867 patent when Zerto instructed or aided the single entity above in directly infringing claim 45 of the '867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" for questions 1 and 4 please skip to Page 24.

Yes _____ No _____

- 5. If you answered YES to questions 2, 3, and 4, has EMC proven that it is more likely than not that Zerto knew that its actions would actually cause the single entity above to directly infringe claim 45 of the '867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" for questions 1 and 5 please skip to Page 24.

Yes _____ No _____

- 6. If you answered YES to questions 2, 3, 4, and 5, has EMC proven that it is more likely than not that Zerto intended to cause the single entity above to directly infringe claim 45 of the '867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" for questions 1 and 5 please skip to Page 24.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 7. If you answered YES to questions 2, 3, 4, 5, and 6, has EMC proven that it is more likely than not that Zerto induced infringement of claim 45 of the '867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" for questions 1 and 7 please skip to Page 24.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

Willful Infringement of the '867 Patent¹

- 8. If you answered YES to questions 1 or 7 above, has EMC proven that it is highly probable from an objective point of view that the defenses put forth by Zerto failed to raise any substantial question as to the infringement of claim 45 of the '867 patent?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" please skip to Page 24.

Yes _____ No _____

-
- 9. If you answered YES to question 8, has EMC proven that it is highly probable from an objective point of view that the defenses put forth by Zerto failed to raise any substantial question as to the validity of claim 45 of the '867 patent?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" please skip to Page 24.

Yes _____ No _____

¹ EMC has only pled willful infringement of the '867 patent. Should the Court allow EMC to allege willful infringement of any other patent, Zerto reserves the right to propose comparable language to that herein for each other such patent.

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 10. If you answered YES to questions 8 and 9, has EMC proven that it is highly probable from an objective point of view that the defenses put forth by Zerto failed to raise any substantial question as to the enforceability of claim 45 of the '867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 24.

Yes _____ No _____

- 11. If you answered YES to questions 8, 9 and 10, has EMC proven that it is highly probable that Zerto actually knew that its actions constituted infringement of a valid and enforceable patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 24.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 12. If you answered YES to questions 8, 9, 10 and 11, has EMC proven by clear and convincing evidence that Zerto willfully infringed claim 45 of the '867 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

U.S. Patent Number 6,073,222 (the '222 patent)

Induced Infringement Of The '222 Patent

1. Has EMC proven that it is more likely than not that each and every element of claim 1 of the '222 patent is met by a single entity other than Zerto?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 31.

Yes _____ No _____

2. If you answered YES to question 1, has EMC proven that it is more likely than not that Zerto instructed or aided the single entity above in directly infringing claim 1 of the '222 patent?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 27.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 3. If you answered YES to questions 1 and 2, has EMC proven that it is more likely than not that Zerto knew of the '222 patent when it instructed or aided the single entity above in directly infringing claim 1 of the '222 patent?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" please skip to Page 27.

Yes _____ No _____

- 4. If you answered YES to questions 1, 2, and 3, has EMC proven that it is more likely than not that Zerto knew that its actions would actually cause the single entity above to directly infringe claim 1 of the '222 patent?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" please skip to Page 27.

Yes _____ No _____

- 5. If you answered YES to questions 1, 2, 3, and 4, has EMC proven that it is more likely than not that Zerto intended to cause the single entity above to directly infringe claim 1 of the '222 patent?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" please skip to Page 27.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 6. If you answered YES to questions 1, 2, 3, 4, and 5, has EMC proven that it is more likely than not that Zerto induced infringement of claim 1 of the '222 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

Contributory Infringement Of The '222 Patent

7. If you answered YES to question 1, has EMC proven that it is more likely than not that Zerto supplied the single entity above with an important component of a product that directly infringes claim 1 of the '222 patent?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 31.

Yes _____ No _____

8. If you answered YES to question 7, has EMC proven that it is more likely than not that the component supplied by Zerto in question 7 has no substantial non-infringing uses?

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 31.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 9. If you answered YES to questions 7 and 8, has EMC proven that it is more likely than not that Zerto supplied the component from question 7 with knowledge of the '222 patent?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" please skip to Page 31.

Yes _____ No _____

- 10. If you answered YES to questions 7, 8, and 9, has EMC proven that it is more likely than not that the component Zerto supplied constitutes a material part of the directly infringing product?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

If you check "no" please skip to Page 31.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 11. If you answered YES to questions 7, 8, 9, and 10, has EMC proven that it is more likely than not that Zerto knew that the component from question 7 was especially made or adapted for use in an infringing manner?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 31.

Yes _____ No _____

- 12. If you answered YES to questions 7, 8, 9, 10, and 11, has EMC proven that that it is more likely than not that Zerto intended to cause the single entity above to directly infringe claim 1 of the '222 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 31.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INFRINGEMENT

- 13. If you answered YES to questions 7, 8, 9, 10, 11 and 12, has EMC proven that that it is more likely than not that Zerto contributorily infringed claim 1 of the '222 patent?**

Checking "yes" below indicates a finding for EMC.

Checking "no" below indicates a finding for Zerto.

If you check "no" please skip to Page 31; if "yes" please mark any such claim.

Yes _____ No _____

JURY VERDICT FORM -- PATENT INVALIDITY

U.S. Patent Number 7,647,460 (the '460 patent)**Anticipation Of The '460 Patent**

- 1. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '460 patent is anticipated by U.S. Patent Number 5,991,813 ("Zarrow")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Zarrow:

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

- 2. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '460 patent is anticipated by U.S. Patent Number 6,073,209 ("Bergsten")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Bergsten:

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

JURY VERDICT FORM -- PATENT INVALIDITY

Obviousness Of The '460 Patent

- 3. Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '460 patent would have been obvious over the combination of U.S. Patent Number 6,073,209 ("Bergsten"), U.S. Patent Number 5,991,813 ("Zarrow"), and U.S. Patent Number 5,544,347 ("Yanai")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find obvious in view of Bergsten, Zarrow and Yanai:

Claim 1: _____ Claim 30: _____ Claim 32: _____

Claim 37: _____ Claim 38: _____ Claim 40: _____

Claim 42: _____ Claim 44: _____ Claim 45: _____

JURY VERDICT FORM -- PATENT INVALIDITY

U.S. Patent Number 7,603,395 (the '395 patent)

Anticipation Of The '395 Patent

1. **Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '395 patent is anticipated by U.S. Patent Number 7,720,817 ("Stager II")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Stager II:

Claim 1: _____

Claim 2: _____

Claim 4: _____

Claim 8: _____

-
2. **Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '395 patent is anticipated by U.S. Patent Number 7,421,617 ("Anderson")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Anderson:

Claim 1: _____

Claim 2: _____

Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INVALIDITY

3. **Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '395 patent is anticipated by U.S. Patent Number 7,577,867 ("Lewin")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Lewin:

Claim 1: _____

Claim 2: _____

Claim 4: _____

Claim 8: _____

Obviousness Of The '395 Patent

4. **Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '395 patent would have been obvious over The RecoveryONE Solution Architecture Guide ("Mendocino") and EMC Legato Networker PowerSnap Module for EMC Symmetrix DMX Version 2.1 Installation and Administrator's Guide ("NetWorker")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find obvious in view of Mendocino and NetWorker:

Claim 1: _____

Claim 2: _____

Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INVALIDITY

- 5. Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '395 patent would have been obvious over the combination of U.S. Patent Number 7,720,817 ("Stager II") and EMC Legato Networker PowerSnap Module for EMC Symmetrix DMX Version 2.1 Installation and Administrator's Guide ("NetWorker")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find obvious in view of Stager II and NetWorker:

Claim 1: _____

Claim 2: _____

Claim 4: _____

Claim 8: _____

-
- 6. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '395 patent would have been obvious in view U.S. Patent Number 7,421,617 ("Anderson") and EMC Legato Networker PowerSnap Module for EMC Symmetrix DMX Version 2.1 Installation and Administrator's Guide ("NetWorker")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find obvious in view of Anderson and NetWorker:

Claim 1: _____

Claim 2: _____

Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INVALIDITY

- 7. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '395 patent would have been obvious over U.S. Patent Number 7,577,867 ("Lewin")?**

*Checking "yes" below indicates a finding for Zerto.
Checking "no" below indicates a finding for EMC.*

Yes _____ No _____

Please check all claims you find obvious in view of Lewin:

Claim 1: _____ Claim 2: _____ Claim 4: _____

Claim 8: _____

JURY VERDICT FORM -- PATENT INVALIDITY

U.S. Patent Number 7,791,091 (the '091 patent)

Anticipation Of The '091 Patent

1. **Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '091 patent is anticipated by U.S. Patent Number 7,720,817 ("Stager II")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Stager II:

Claim 1: _____ Claim 5: _____

-
2. **Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '091 patent is anticipated by U.S. Patent Number 7,421,617 ("Anderson")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Anderson:

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INVALIDITY

3. **Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '091 patent is anticipated by U.S. Patent Number 7,577,867 ("Lewin")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find anticipated by Lewin:

Claim 1: _____

Claim 5: _____

Obviousness Of The '091 Patent

4. **Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '091 patent would have been obvious over The RecoveryONE Solution Architecture Guide ("Mendocino") and EMC Legato Networker PowerSnap Module for EMC Symmetrix DMX Version 2.1 Installation and Administrator's Guide ("NetWorker")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find obvious in view of Mendocino and NetWorker:

Claim 1: _____

Claim 5: _____

JURY VERDICT FORM -- PATENT INVALIDITY

- 5. Has Zerto proven by clear and convincing evidence that any Asserted Claim of the '091 patent would have been obvious over the combination of U.S. Patent Number 7,720,817 ("Stager II") and EMC Legato Networker PowerSnap Module for EMC Symmetrix DMX Version 2.1 Installation and Administrator's Guide ("NetWorker")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find obvious in view of Stager II and NetWorker:

Claim 1: _____

Claim 5: _____

-
- 6. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '091 patent would have been obvious in view U.S. Patent Number 7,421,617 ("Anderson") and EMC Legato Networker PowerSnap Module for EMC Symmetrix DMX Version 2.1 Installation and Administrator's Guide ("NetWorker")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

Please check all claims you find obvious in view of Anderson and NetWorker:

Claim 1: _____

Claim 5: _____

JURY VERDICT FORM -- PATENT INVALIDITY

- 6. Has Zerto proven, by clear and convincing evidence, that any Asserted Claim of the '091 patent would have been obvious over U.S. Patent Number 7,577,867 ("Lewin")?**

*Checking "yes" below indicates a finding for Zerto.
Checking "no" below indicates a finding for EMC.*

Yes _____ No _____

Please check all claims you find obvious in view of Lewin:

Claim 1: _____ Claim 5: _____

JURY VERDICT FORM -- PATENT INVALIDITY

U.S. Patent Number No. 7,577,867 ("the '867 patent")

Invalidity Due To Sale Or Public Use

4. **Has Zerto proven by clear and convincing evidence that Kashya's KBX4000 product included every element of claim 45 of the '867 patent?**

*Checking "yes" below indicates a finding for Zerto.
Checking "no" below indicates a finding for EMC.*

Yes _____

No _____

-
2. **If you answered YES to question 1, has Zerto proven by clear and convincing evidence that Kashya's KBX4000 product was on sale or in public use before February 17, 2005?**

*Checking "yes" below indicates a finding for Zerto.
Checking "no" below indicates a finding for EMC.*

Yes _____

No _____

JURY VERDICT FORM -- PATENT INVALIDITY

U.S. Patent Number 6,073,222 (the '222 patent)

Anticipation Of The '222 Patent

1. **Has Zerto proven by clear and convincing evidence that claim 1 of the '222 patent is anticipated by U.S. Patent Number 5,664,186 ("Bennett")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

-
2. **Has Zerto proven by clear and convincing evidence that claim 1 of the '222 patent is anticipated by Implementing Concurrent Copy ("Concurrent Copy")?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

-
3. **Has Zerto proven by clear and convincing evidence that claim 1 of the '222 patent is anticipated by "FreezeFrame"?**

Checking "yes" below indicates a finding for Zerto.

Checking "no" below indicates a finding for EMC.

Yes _____

No _____

JURY VERDICT FORM -- PATENT DAMAGES

U.S. Patent Number No. 7,647,460 (“the ’460 patent”)

**If you find that the ’460 Patent is valid and is indirectly infringed by Zerto,
Has EMC proven by a preponderance of the evidence that it is entitled to monetary
damages resulting from Zerto’s indirect infringement?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

Yes _____

No _____

JURY VERDICT FORM -- PATENT DAMAGES

U.S. Patent Number No. 7,603,395 (“the ’395 patent”)

If you find that the ’395 Patent is valid and indirectly infringed by Zerto, Has EMC proven by a preponderance of the evidence that it is entitled to monetary damages resulting from Zerto’s indirect infringement?

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

Yes _____

No _____

JURY VERDICT FORM -- PATENT DAMAGES

U.S. Patent Number No. 7,791,091 (“the ’091 patent”)

If you find that the ’091 Patent is valid and indirectly infringed by Zerto, Has EMC proven by a preponderance of the evidence that it is entitled to monetary damages resulting from Zerto’s indirect infringement?

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

Yes _____

No _____

JURY VERDICT FORM -- PATENT DAMAGES

U.S. Patent Number No. 7,577,867 (“the ’867 patent”)

If you find that the ’867 Patent is valid and directly or indirectly infringed by Zerto, Has EMC proven by a preponderance of the evidence that it is entitled to monetary damages resulting from Zerto’s direct or indirect infringement?

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

Yes _____

No _____

JURY VERDICT FORM -- PATENT DAMAGES

U.S. Patent Number No. 6,073,222 (“the ’222 patent”)

**If you find that the ’222 Patent was valid and indirectly infringed by Zerto,
Has EMC proven by a preponderance of the evidence that it is entitled to monetary
damages resulting from Zerto’s indirect infringement?**

*Checking "yes" below indicates a finding for EMC.
Checking "no" below indicates a finding for Zerto.*

Yes _____

No _____

JURY VERDICT FORM -- PATENT DAMAGES

If you answered YES to one or more questions above, please state the amount of damages that you find EMC has proven it is entitled to by a preponderance of the evidence:

Damages: \$ _____

SCHEDULE I(iii)-1:

EMC'S PROPOSED VOIR DIRE QUESTIONS

Good morning, ladies and gentlemen, I am about to ask you a series of questions that we call *voir dire*. The purpose of the *voir dire* examination is:

- (a) to enable the court to determine whether or not any prospective juror should be excused for cause;
- (b) to enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges – that is, challenges for which counsel need not give a reason.

Staff introduced.

Panel sworn.

I. JUROR'S RELATIONSHIP WITH THE PARTIES, COUNSEL OR WITNESSES

This case is an action for patent infringement arising under the patent laws of the United States. The plaintiffs in this case are EMC Corporation and EMC Israel Development Center, Ltd. (or simply "EMC"). The defendant is Zerto, Inc. (or simply "Zerto"). For those of you selected to serve as jurors, I will give you more detailed instructions regarding the meaning of the word infringement once you are sworn-in as jurors and again at the conclusion of the trial. For now, I will simply tell you that EMC accuses Zerto of infringing five patents and seeks damages for that infringement. Zerto denies that it has infringed any of the five patents, and asserts that four of the five patents are invalid.

- 1. Have you, a family member, or a close friend ever worked for either EMC or Zerto?
- 2. Do you, a family member, or a close friend now own, or have you or any such member ever owned, any stocks or bonds in either EMC or Zerto?

3. Have you, a family member, or a close friend had any dealings with, or relied financially in any way on, either EMC or Zerto?
4. Have you, a family member, or a close friend had any experience with the products of any of those companies or otherwise have strong feelings, positive or negative, toward either EMC or Zerto?

Counsel introduces themselves, their firms, etc.

5. Are you related to, or personally acquainted with, any of those attorneys, or have you ever been represented by any of those attorneys or other associates or members of the listed law firms?
6. You have been given a list of the individuals who might appear as witnesses in this case. Are you related to, or personally acquainted with, any of those individuals?

II. JUROR'S LEGAL KNOWLEDGE AND EXPERIENCE

7. Have you, a family member, or a close friend ever worked as a lawyer or in some other job in the legal field?
8. Do you have any legal education or training?
9. Have you, a family member, or a close friend been involved in any way in any type of lawsuit?
10. Have you ever served as a juror in a civil lawsuit?
11. Have you ever served as a juror in a criminal case or on a grand jury?

III. JUROR'S KNOWLEDGE AND EXPERIENCE WITH PATENTS

12. Have you, a family member, or a close friend ever worked at a company that was accused of infringing someone else's patent?
13. Have you, a family member or a close friend ever worked at a company that accused someone else of infringing a patent owned by the company?

14. Have you, a family member or a close friend been involved in any way in patent infringement litigation?
15. Have you, a family member or a close friend ever applied for a patent?
16. Have you, a family member, or a close friend ever had any dealings with the United States Patent & Trademark Office?
17. Have you, a family member or close friend been involved in the negotiation of a patent license?
18. Do you have any strong opinions about a patent granting exclusive rights to the inventors or their employer?
19. Do you believe it would be wrong for a company to profit from its inventions or discoveries?

IV. JUROR'S KNOWLEDGE REGARDING THE SUBJECT MATTER OF THE CASE

20. You have been given a list of subject areas. Have you ever been educated, employed, trained, or had any experience in any of the areas on the list?
21. How technically minded do you consider yourself? Not at all? A little? Somewhat? Quite? Very?
22. How interested are you in scientific and technical matters? Not at all? A little? Somewhat? Quite? Very?
23. Do you have any personal knowledge of this case, or have you read or heard it discussed, or have an opinion regarding it?
24. Do you **not** use computers or the Internet?
25. Do you have personal feelings about the prominence of computers in our modern society? If so, what are they?

- 26. Do you have personal views about technology that is used to preserve electronic information? If so, what are they?
- 27. Have you ever lost computer information due to a computer failure, virus or service disruption?
- 28. Do you have experience with computer software programs designed to preserve electronic information? If so, what programs?
- 29. Do you have personal views about businesses that develop and sell computer software and services to preserve electronic information? If so, what are they?

V. JUROR'S POTENTIAL BIASES

- 30. Have you or anyone close to you ever had an idea stolen from you?
- 31. Do you now or have you ever owned your own business?
- 32. Do you believe companies frequently try to infringe or violate the patent rights of other companies?
- 33. Do you have any strongly held opinions or views about whether large corporations behave or do not behave ethically?
- 34. Do you have any strongly held opinions or views about whether small start-up corporations behave or do not behave ethically?
- 35. Do you have any special disability or problem that would make it difficult or impossible for you to serve as a member of the jury in this case?
- 36. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

SCHEDULE I(iii)-2:

ZERTO'S PROPOSED VOIR DIRE QUESTIONS

Good morning, ladies and gentlemen, I am about to ask you a series of questions that we call voir dire. The purpose of the voir dire examination is:

- (a) to enable the court to determine whether or not any prospective juror should be excused for cause;
- (b) to enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges—that is, challenges for which counsel need not give a reason.

Staff introduced.

Panel sworn.

I. JUROR'S RELATIONSHIP WITH THE PARTIES, COUNSEL OR WITNESSES

This case is an action for patent infringement. The plaintiffs in this case are EMC Corporation and EMC Israel Development Center, Ltd. (or simply “EMC”). The defendant is Zerto, Inc. (or simply “Zerto”). For those of you selected to serve as jurors, I will give you more detailed instructions regarding the meaning of the word infringement once you are sworn-in as jurors and again at the conclusion of the trial. For now, I will simply tell you that EMC accuses Zerto of infringing five patents and seeks damages for that infringement. Zerto denies that it has infringed any of the five patents, and asserts that all five patents are invalid.

- 1. Please identify your name, age, the city in which you live, and your current job and employer.
- 2. Have you, a family member, or a close friend ever worked for either EMC or Zerto?

3. Do you, a family member, or a close friend now own, or have you or any such member ever owned, any stocks or bonds in either EMC or Zerto?
4. Have you, a family member, or a close friend had any dealings with, or relied financially in any way on, either EMC or Zerto?
5. Have you, a family member, or a close friend had any experience with the products of either of those companies?
6. Do you, a family member, or a close friend have positive, neutral, or negative opinions toward either EMC or Zerto?
7. Have you, any member of your family, or a close friend ever been employed by a company which was involved in, or had a business relationship with the computer data backup industry?

Counsel introduces themselves, their firms, etc.

8. Are you related to, or personally acquainted with anyone affiliated with one of the law firms or any of those attorneys present in the Courtroom today?
9. You have been given a list of the individuals who might appear as witnesses in this case. Are you related to, or personally acquainted with, any of those individuals?

II. JUROR'S LEGAL KNOWLEDGE AND EXPERIENCE

10. Have you, a family member, or a close friend ever worked as a lawyer or in some other job in the legal field?
11. Do you have any legal education or training?
12. Have you, a family member, or a close friend been involved in any way in any type of lawsuit?

13. Have you ever served as a juror in a civil lawsuit? If so, how many times, what was the case about, did the jury deliberate to verdict, and were you selected as foreperson of the jury?
14. Have you ever served as a juror in a criminal case or on a grand jury? If so, how many times, what was the case about, did the jury deliberate to verdict, and were you selected as foreperson of the jury?
15. Please describe your knowledge of the data backup industry, and whether that knowledge has left you with a positive, negative, or neutral impression of the industry.

III. JUROR'S KNOWLEDGE AND EXPERIENCE WITH PATENTS

16. Have you ever been involved in the development of a new product or process?
17. Have you, a family member, or a close friend ever worked at a company that was accused of infringing someone else's patent?
18. Have you, a family member, or a close friend ever worked at a company that accused someone else of infringing a patent owned by the company?
19. Have you, a family member or a close friend been involved in any way in patent infringement litigation? If so,
 - a. Did anything about that experience leave you with a positive, negative, or neutral impression of lawsuits, lawyers, or the court system?
 - b. Would that experience make it difficult for you to fairly and impartially evaluate the evidence and render a fair verdict in this case?
20. Have you, a family member or a close friend, ever applied for a patent? If so, please describe your particular process and result.

21. Have you, a family member, or a close friend ever been employed by or had any dealings with the United States Patent & Trademark Office?
22. Have you, a family member or close friend been involved in the negotiation of a patent license?
23. Do you have any strong opinions about a patent granting exclusive rights to the inventors or their employer?

IV. JUROR'S KNOWLEDGE REGARDING THE SUBJECT MATTER OF THE CASE

24. You have been given a list of subject areas. Have you ever been educated, employed, trained, or had any experience in any of the areas on the list?
25. How technically minded do you consider yourself? Not at all? A little? Somewhat? Quite? Very?
26. How interested are you in scientific and technical matters? Not at all? A little? Somewhat? Quite? Very?
27. Do you have any personal knowledge of this case, or have you read or heard it discussed, or have an opinion regarding it?
28. Do you not use computers or the Internet?
29. Do you have personal feelings about the prominence of computers in our modern society? If so, what are they?
30. Do you have personal views about technology that is used to preserve electronic information? If so, what are they?
31. Have you ever lost computer information due to a computer failure, virus or service disruption?

- 32. Do you have experience with computer software programs designed to preserve electronic information? If so, what programs?
- 33. Do you have personal views about businesses that develop and sell computer software and services to preserve electronic information? If so, what are they?

V. JUROR'S POTENTIAL BIASES

- 34. Have you or anyone close to you ever had an idea stolen from you or them?
- 35. Do you now or have you ever owned your own business?
- 36. Do you believe companies frequently try to infringe or violate the patent rights of other companies?
- 37. Do you have any strongly held opinions or views about whether large corporations behave or do not behave ethically?
- 38. Do you have any strongly held opinions or views about whether small start-up corporations behave or do not behave ethically?
- 39. Have you lived your entire life in Delaware? If not, how long have you lived here and where else have you lived in the last 10 years?
- 40. Do you have any strong opinions or views regarding foreigners or ethnic people?
- 41. Do you have any strong opinions or views regarding companies who operate in the United States but are headquartered in a foreign country?
- 42. Do you have any strong feelings or views regarding the conflict surrounding the Israeli territory?
- 43. Do you have any strong feelings or views regarding those who identify with religious groups?
- 44. Have you or a member of your immediate family ever served in the military?

45. Do you have any strong opinions or views regarding military life and life after the military?
46. Do you have any special disability or problem that would make it difficult or impossible for you to serve as a member of the jury in this case?
47. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

SCHEDULE J:

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

EMC requests that the Court conduct a separate bench trial to address Zerto's allegations that U.S. Patent Nos. 7,577,867, 7,603,395 and 7,971,091 are unenforceable due to inequitable conduct, and Zerto requests that the Court conduct a bench trial to address EMC's allegations of willful infringement of the '867 patent. EMC opposes Zerto's request for a bench trial on the issue of willfulness. If the Court grants EMC's and/or Zerto's request(s), EMC and Zerto will submit proposed *Findings of Fact and Conclusions of Law* at a time set by the Court.

SCHEDULE K:

SUMMARY OF HISTORY AND STATUS OF SETTLEMENT NEGOTIATIONS

The parties have engaged in good-faith efforts to explore the resolution of this case by settlement. To date, no agreement has been reached.

On January 26, 2014, Zerto sent EMC a settlement proposal. EMC provided a counter-offer on March 11, 2014. Zerto rejected EMC's counter-offer on May 21, 2014. The parties have engaged in some discussions since May 2014, but those discussions have not led to a settlement.

This case was also referred to Magistrate Judge Burke for the purpose of exploring alternate dispute resolutions. Although teleconference calls with Magistrate Judge Burke were scheduled throughout the course of the litigation (D.I. 34, 41, 67), none was held because the parties did not believe such a teleconference would have been fruitful at the time.

At the present time, no further settlement negotiations are ongoing.

SCHEDULE L:

STATEMENT THAT EACH PARTY HAS COMPLETED DISCOVERY

Each party has completed discovery, including the depositions of expert witnesses, with the exception of the updating of damages for the period subsequent to that addressed by the parties' damages experts. EMC included two witnesses on its witness list, Christos Karamanolis and Barbara Robidoux, who were identified in a supplemental interrogatory response served by EMC prior to the close of the fact discovery period and who were not listed on EMC's Initial Disclosures. Zerto objects to the appearance of any witness to testify at trial who was not adequately disclosed during the discovery period. However, if the Court does permit EMC to call witnesses who were not identified until the end of the discovery period, Zerto requests the opportunity to depose such witnesses at least two weeks in advance of trial.

With the exception of the above issues concerning discovery related to the updating of expert damages calculations for the period subsequent to that addressed by the parties' damages experts and the belated identification of proposed trial witnesses by EMC, no further discovery shall be permitted absent good cause shown.

SCHEDULE M-1:

EMC'S LIST OF EVIDENTIARY OBJECTIONS

EMC intends to raise the evidentiary issues listed below at the pretrial conference. EMC reserves the right to raise additional evidentiary issues as may be required by the Court's decisions on any issues raised by Zerto, or by any events or developments occurring between the filing of this Pretrial Order on March 30, 2015, and the pretrial conference presently scheduled for April 7, 2015. EMC reserves the right to raise further evidentiary issues at trial based on events or developments after the April 7, 2015 pretrial conference or during the course of trial.

1. Zerto should not be permitted to proffer any testimony or introduce any evidence regarding EMC's decision to withdraw U.S. Patent Nos. 7,516,287 and 7,849,361 from the case.

2. Zerto should not be permitted to proffer any testimony, introduce any evidence or otherwise refer to its inequitable conduct allegations concerning U.S. Patents Nos. 7,577,867, 7,603,395, and 7,971,091, an issue of law reserved for the Court.

3. Zerto should not be permitted to proffer any testimony, introduce any evidence or otherwise refer to EMC's request for a permanent injunction.

4. Zerto should not be permitted to proffer expert testimony from any witness other than Mr. Russell Parr and Dr. Erez Zadok because they are the only individuals identified pursuant to Federal Rule of Civil Procedure 26(a)(2).

5. Pursuant to Federal Rule of Evidence 702, Zerto's purported damages expert, Mr. Russell Parr, should not be permitted to offer affirmative expert testimony regarding a reasonable royalty rate(s) that the parties would have agreed to in a hypothetical negotiation because any purported affirmative opinion in his expert report is not the "product of reliable principles or methods" and/or is not based on "sufficient facts or data."

6. Pursuant to Federal Rule of Evidence 702, Zerto's purported technical expert, Dr. Erez Zadok, should not be permitted to testify that the accused software product does not infringe the Asserted Patents because his testimony is not "based on sufficient facts or data." Specifically, Dr. Zadok neither inspected the source code for the accused product nor used the accused product despite [REDACTED]

[REDACTED]

7. Pursuant to Federal Rule of Evidence 702, Zerto's purported technical expert, Dr. Erez Zadok, should not be permitted to offer expert testimony that the KBX4000 product anticipates claim 45 of the '867 patent because his testimony is not "the product of reliable principles and methods."

SCHEDULE M-2:

ZERTO'S LIST OF EVIDENTIARY OBJECTIONS

Zerto intends to raise the evidentiary issues listed below at the pretrial conference. Zerto reserves the right to raise additional evidentiary issues as may be required by the Court's decisions on any issues raised by EMC, or by any events or developments occurring between the filing of this Pretrial Order on March 30, 2015, and the pretrial conference presently scheduled for April 7, 2015. Zerto reserves the right to raise further evidentiary issues at trial based on events or developments after the April 7, 2015 pretrial conference or during the course of trial.

1. EMC should not be permitted to call witnesses to testify at trial who were first identified by EMC in supplemental interrogatory responses served on the last day of the fact discovery period and who were never identified by EMC in its Initial Disclosures with the information required by F.R.C.P. 26(a).

2. EMC should not be permitted to proffer any testimony, introduce any evidence, or otherwise refer to any Director or employee of Zerto having been formerly employed by or affiliated with EMC. Such evidence is irrelevant to any issue in this case and would be unfairly prejudicial to Zerto.

3. EMC should not be permitted to proffer any testimony, introduce any evidence, or otherwise refer to EMC's acquisition of Kahsya, Inc. or the amount of money that EMC paid to acquire Kashya, Inc. Such evidence is irrelevant to any issue in this case and would be unfairly prejudicial to Zerto.

4. EMC should not be permitted to proffer any testimony, introduce any evidence or otherwise refer to Ziv Kedem's and/or Oded Kedem's positions at Kashya, Inc. or money earned by Ziv Kedem or Oded Kedem through the acquisition of Kashya, Inc. by EMC. Such evidence is irrelevant to any issue in this case and would be unfairly prejudicial to Zerto.

5. EMC should not be permitted to proffer any testimony, introduce any evidence, or otherwise refer to EMC's "Santorini" project, or any other similar EMC or VMWare project, because such evidence is not relevant to any issue in this case and such evidence would be unfairly prejudicial to Zerto, a waste of time, and confusing to the jury.

6. EMC should not be permitted to proffer any testimony, introduce any evidence or otherwise refer to the registration of the Internet domain www.zertodata.com, including by attempting to introduce or refer to any records obtained from GoDaddy, Inc. or by presenting the testimony of any representative of GoDaddy, Inc. Such testimony or argument would be irrelevant to any issue in this case and it would be unfairly prejudicial to Zerto, a waste of time, and confusing to the jury.

7. Pursuant to Federal Rule of Evidence 702, EMC's purported damages expert, Mr. Green, should not be permitted to offer expert opinion testimony regarding damages because the opinions expressed in his expert report are not the "product of reliable principles or methods."

8. EMC's technical expert, Mr. Jestice should not be permitted to provide any testimony or offer any opinions that are not contained in his expert report.

9. EMC should not be permitted to proffer any testimony, introduce any evidence or otherwise argue or refer to any allegation of infringement of the '867 patent under the doctrine of equivalents, except in response to an argument that claim 45 must be read to preclude a component of the DPA and/or DPA manager from being present on the protected host device. EMC did not allege infringement of the '867 patent under the doctrine of equivalents generally, and EMC's technical expert, Mr. Jestice, has limited his doctrine of equivalents opinion to the aforementioned issue.

10. EMC should not be entitled to a jury trial on issues of patent invalidity or infringement.

ATTACHMENT A

**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0001	6/6/2000	Certified copy of U.S. Patent No. 6,073,222 (Ohran)	EMC_0198737- EMC_0198768	R. Ohran Exhibit 1 M. Ohran Exhibit 3 Jestice Exhibit 7	106, 403, 901, 1002	Exhibit is complete, 403 N/A, ¹ NCBA, ² 901(b), 902, 1003/1004
PX0002	8/18/2009	Certified copy of U.S. Patent No. 7,577,867 B2 (Lewin, et al.)	EMC_0198789- EMC_0198822	Jestice Exhibit 14	901, 1002	NCBA, 901(b), 902, 1003/1004
PX0003	10/13/2009	Certified copy of U.S. Patent No. 7,603,395 B1 (Bingham, et al.)	EMC_0198701- EMC_0198720	Rokicki Exhibit 3 Bingham Exhibit 3 Jones Exhibit 3 Chen Exhibit 3 Jestice Exhibit 13 Zadok Exhibit 14	901, 1002	NCBA, 901(b), 902, 1003/1004
PX0004	1/12/2010	Certified copy of U.S. Patent No. 7,647,460 B1 (Wilson, et al.)	EMC_0198721- EMC_0198736	Ting Exhibit 1 Wilson Exhibit 1 Burke Exhibit 7 Jestice Exhibit 6 Zadok Exhibit 9	901, 1002	NCBA, 901(b), 902, 1003/1004

¹ “403 N/A” indicates that FRE 403 objections should not be sustained and that Zerto’s objections as stated fail to identify any unfair prejudice, confusion, misleading of the jury, undue delay, waste of time, or cumulativeness that the exhibit allegedly might pose.

² “NBCA” indicates that Zerto has not identified any basis to challenge the authenticity of the exhibit and/or has not identified any basis to believe that the exhibit could not be properly authenticated by one or more of the EMC or Zerto fact witnesses identified in Schedules D-1, D-2, F-1, or F-2.

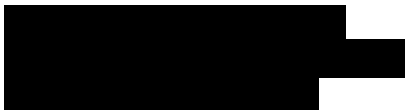
**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0005	6/28/2011	Certified copy of U.S. Patent No. 7,971,091 (Bingham, et al.)	EMC_0198769- EMC_0198788	Rokicki Exhibit 2 Bingham Exhibit 2 Jones Exhibit 2 Chen Exhibit 4	901, 1002	NCBA, 901(b), 902, 1003/1004
PX0006		Certified File History for U.S. Patent No. 6,073,222 (Ohran)	EMC_0185861- EMC_0189427		106, 403, 901, 1002	Exhibit is complete, 403 N/A, NCBA, 902, 1003/1004
PX0007		Certified File History for U.S. Patent No. 7,577,867 (Lewin, et al.)	EMC_0184069- EMC_0184657		901, 1002	NCBA, 902, 1003/1004
PX0008		Certified File History for U.S. Patent No. 7,603,395 (Bingham, et al.)	EMC_0185501- EMC_0185860		901, 1002	NCBA, 902, 1003/1004
PX0009		Certified File History for U.S. Patent No. 7,647,460 (Wilson, et al.)	EMC_0183412- EMC_0184067		106, 901, 1002	Exhibit is complete, NCBA, 902, 1003/1004
PX0010		Certified File History for U.S. Patent No. 7,971,091 (Bingham, et al.)	EMC_0184659- EMC_0185499		901, 1002	NCBA, 902, 1003/1004
PX0011	12/12/1997	Certified copy of Assignment of U.S. Appl. No. 08/935,844 from Robert Wilson, Dennis P.J. Ting and Mehamood Hosein to EMC Corporation	EMC_0055507- EMC_0055511		901, 1002	NCBA, 901(b), 902, 1003/1004

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0012	7/31/2000	Certified copy of Assignment of U.S. Appl. Nos. 09/271,585; 09/165,180; 09/268,739; 09/225,486; and 09/455,072; and U.S. Patent Nos. 5,978,565; 5,649,152; 5,835,953; and 5,812,748 from Vinca Corporation to Legato Systems, Inc.	EMC_0055512- EMC_0055517		901, 1002	NCBA, 901(b), 902, 1003/1004
PX0013	9/26/2000	Certified copy of Assignment of U.S. Appl. Nos. 09/271,585; 09/165,180; 09/268,739; 09/225,486; and 09/455,072; and U.S. Patent Nos. 5,978,565; 5,649,152; 5,835,953; and 5,812,748 from Vinca Corporation to Legato Systems, Inc.	EMC_0055518- EMC_0055526		901, 1002	NCBA, 901(b), 902, 1003/1004
PX0014	9/6/2000	Certified copy of Assignment of U.S. Patent No. 6,073,222 from Michael Ohran to Legato Systems, Inc.	EMC_0055527- EMC_0055534		901, 1002	NCBA, 901(b), 902, 1003/1004
PX0015	11/24/2003	Certified copy of recordation of Merger between Legato Systems, Inc. and EMC Corporation	EMC_0055535- EMC_0055541		901, 1002	NCBA, 901(b), 902, 1003/1004
PX0016	5/3/2006	Certified copy of Assignment of U.S. Patent Appl. No. 11/381,347, from Scott Forrest Bingham, Upanshu Singhai, John C. Rokicki, Matthew D. Buchman, and Venkathesha Murthy to EMC Corporation	EMC_0055542- EMC_0055551		901, 1002	NCBA, 901(b), 902, 1003/1004






**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0017	5/15/2006	Certified Assignment Recordation Form and Assignment for U.S. Patent Appl. No. 11/356,920, from Michael Lewin, Yair Heller, Ziv Kedem, Shlomo Ahal, Assaf Natanzon, and Evgeny Drukh to Kashya, Ltd., signed on 5/2/2006	EMC_0055552- EMC_0055555	Ziv Kedem Exhibit 7	901, 1002	NCBA, 901(b), 902, 1003/1004
PX0018	5/3/2006	Certified copy of Assignment of U.S. Patent Appl. No. 11/381,343, from Scott Forrest Bingham, Upanshu Singhai, John C. Rokicki, Matthew D. Buchman, and Venkathesha Murthy to EMC Corporation	EMC_0055556- EMC_0055565		901, 1002	NCBA, 901(b), 902, 1003/1004
PX0019	11/21/2006	Recordation of Kashya Name Change to EIDC	EMC_0006809- EMC_0006811		901, 1002	NCBA, 901(b), 902, 1003/1004
PX0020	7/20/2012	Original Complaint (D.I. #001)			402, 403, Not Evidence	401 (infringement), ³ 403 N/A
PX0021			COLUMBIA000001- COLUMBIA000009		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, ⁴ not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004

³ Responses to relevance objections set forth in parentheses the topic(s) to which the exhibit is relevant. EMC has endeavored to identify the most relevant topic(s) for each exhibit, and EMC reserves the right to seek admission on grounds not listed.

⁴ As a courtesy, EMC has endeavored to identify all exhibits that may be disclosed under FRE 703. EMC reserves the right to seek disclosure of any exhibit under FRE 703, consistent with the rules of court.

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0022	3/3/2005	 D	COLUMBIA000010- COLUMBIA000025	Parr Exhibit 4 Green Exhibit 2	402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0023	5/9/2006	 CTED	EMC_0006865- EMC_0006877	Kedem, Oded - Exhibit 21	402, 403, 802, 901, 1002	401 (infringement), 403 N/A, not hearsay, NCBA, 901(b), 1003/1004
PX0024	5/23/2006		EMC_0006878- EMC_0006880	Kedem, Oded - Exhibit 21	402, 403, 802, 901, 1002	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0025	3/26/2006	 D	EMC_0006881- EMC_0006888	Zadok Exhibit 4	402, 403, 802, 901	401 (infringement/validity), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0026	9/5/2002		EMC_0006898- EMC_0006899		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0027	11/21/2002	[REDACTED]	EMC_0006901- EMC_0006908		402, 403, 802, 901, 1002	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b), 1003/1004
PX0028	1/2/2003	[REDACTED]	EMC_0006918- EMC_0006936		402, 403, 802, 901, 1002	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b), 1003/1004
PX0029	2/27/2012	[REDACTED]	EMC_0006951- EMC_0006953		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0030	2/27/2012	[REDACTED]	EMC_0006954- EMC_0006955		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0031	2/22/2012	[REDACTED]	EMC_0006956- EMC_0006976		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)


SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0032	2011	Zerto 2011 Datasheet -- "Hypervisor-Based, Enterprise-Class Replication and Continuous Data Protection"	EMC_0006985- EMC_0006986	Ziv Kedem Exhibit 44	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0033	2012	Zerto 2012 Datasheet -- "Hypervisor-Based, Enterprise-Class Replication and Continuous Data Protection"	EMC_0006987- EMC_0006988	Ziv Kedem Exhibit 43	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0034	3/27/2012	Simpson, Dave -- "Zerto covers all clouds with hypervisor-based replication for business continuity/DR"	EMC_0006989- EMC_0006992		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0035	2012	Zerto White Paper -- "Hypervisor-based Replication, A New Approach to Business Continuity/Disaster Recovery"	EMC_0007003- EMC_0007008 and ZERTO0028234- ZERTO0028239	Zeiter Exhibit 25 Gill Exhibit 15 Kedem, Oded, Exhibit 1 Kedem, Ziv, Exhibit 49	402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b), 1003/1004






**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0036	9/22/2011	U.S. Patent Application Publication No. US2011/0231841 A1	EMC_0007015- EMC_0007019	Kedem, Oded Exhibit 10	402, 403, 901	401 (infringement), 403 N/A, NCBA, 901(b), 902
PX0037	2012	Zerto White Paper -- "Protect Applications, Not Just Data, BC/DR for Virtualized Applications"	EMC_0007159- EMC_0007163 and ZERTOLTD0009745- ZERTOLTD0009749	Zeiter Exhibit 26 Gill Exhibit 16 Kedem, Ziv, Exhibit 48 Kedem, Oded, Exhibit 4 Zadok Exhibit 12	402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b), 1003/1004
PX0038	2012	Zerto White Paper -- "A Comparison of Hypervisor-based Replication vs. Current and Legacy BC/DR Technologies"	EMC_0007164- EMC_0007170		402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b), 1003/1004
PX0039	4/3/2012	Zerto Blog -- "Is the Hypervisor Now the Storage Array?"	EMC_0014784- EMC_0014785 and EMC_0054136- EMC_0054137		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0040	2/26/2013	Zerto Press Release -- "Zerto Wides Technological Lead with Zerto Virtual Replication 3.0"	EMC_0015312- EMC_0015313		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0041		Zerto Datasheet -- "What's New – Zerto Virtual Replication 2.0"	EMC_0018259- EMC_0018262		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0042	1/21/2013	Zerto Blog -- "5 Differences Between Zerto and SRM"	EMC_0018274- EMC_0018278		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0043	7/17/2012		EMC_0018281- EMC_0018281		402, 403, 802, 901, 1002	401 (infringement), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004

**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0044	5/8/2006	 ED	EMC_0018282- EMC_0018334	Lipka Exhibit 4	402, 403, 802, 901, 1002	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0045		 TED	EMC_0020097- EMC_0020099		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0046	Q1 '09 - 2014			Burke Exhibit 12	402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0047	2009-2013	 ED D	EMC_0022943- EMC_0022943		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0048	6/2/2011	 ACT ED	ZERTO_0023223- ZERTO_0023223		402, 403, 602, 802, 901	401 (infringement), 403 N/A, 602 met, ⁵ 801(d), 803/804, 807, NCBA, 901(b)

⁵ "602 met" means that a witness has demonstrated personal knowledge at deposition or can demonstrate personal knowledge at trial.

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0049	3/28/2006 - 3/31/2006	[REDACTED]	EMC_0029417- EMC_0029435	Lipka Exhibit 2	402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0050		[REDACTED]	EMC_0029436- EMC_0029441	Kedem, Oded - Exhibit 15	402, 403, 802, 901, 1002	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0051	10/12/2001	[REDACTED]	EMC_0029447- EMC_0029454		402, 403, 802, 901, 1002	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0052	5/8/2006	[REDACTED]	EMC_0029463- EMC_0029474	Ziv Kedem Exhibit 6	402, 403, 802, 901, 1002	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0053		<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 2px;"></div> <div style="display: inline-block; vertical-align: middle;">A D C E D</div>	EMC_0029581- EMC_0029582		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0054		<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 2px;"></div> <div style="display: inline-block; vertical-align: middle;">ED</div>	EMC_0029676- EMC_0029686		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0055	9/18/2001	<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 2px;"></div>	EMC_0036209- EMC_0036247		402, 403, 802, 901	401 (validity/infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0056		<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 2px;"></div> <div style="display: inline-block; vertical-align: middle;">E D A C T E D</div>	EMC_0050740- EMC_0051028		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0057		Zerto Website -- "About Us: Disaster Recovery and Business Continuity for a New World"	EMC_0053388- EMC_0053389		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)


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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0058		Zerto Website -- "Hypervisor Replication"	EMC_0054055- EMC_0054056		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0059	5/29/2013	Zerto Blog -- "Is Synchronous Replication Enough?"	EMC_0054134- EMC_0054135		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0060	2/22/2012	Zerto Blog -- "Protecting and Recovering Virtualized Applications is Challenging"	EMC_0054423- EMC_0054424		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0061	3/22/2012	Zerto Blog -- "This Week in Disaster Recovery Vol. 2"	EMC_0054784- EMC_0054785	Zadok Exhibit 13	402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)




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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0062		Zerto Datasheet -- "What's New – Zerto Virtual Replication 3.1"	EMC_0055114- EMC_0055115		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0063		Zerto Website -- "Business Continuity For Microsoft SQL Server"	EMC_0055154- EMC_0055155		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0064		Zerto Datasheet -- "What's New – Zerto Virtual Replication 3.0"	EMC_0055483- EMC_0055486		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0065		Zerto Website -- "Cloud Disaster Recovery is Finally Here!"	EMC_0055499- EMC_0055500		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)

**SCHEDULE C-1:
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0066	7/15/1997	U.S. Patent No. 5,649,152 (Ohran, et al.)	EMC_0062843- EMC_0062856	M. Ohran Exhibit 2	402, 403, 901	401 (infringement), 403 N/A, 703 NCBA, 901(b), 902
PX0067	12/10/2001		EMC_0165714- EMC_0165751		402, 403, 802, 901	401 (validity/infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0068	8/15/2014	Commonwealth of Massachusetts, Receipt for Filing of Zerto, Inc. Annual Report for FY 2013	EMC_0189428- EMC_0189429	Ziv Kedem Exhibit 12 Allerhand Exhibit 34	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b), 902
PX0069	3/28/2003	Microsoft Documentation -- "How Volume Shadow Copy Service Works"	EMC_0189440- EMC_0189444	Zadok Exhibit 11	402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0070		Mirosoft Documentation -- Shadow Copy Creation for Providers	EMC_0189451- EMC_0189454		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)

SCHEDULE C-1:
EMC'S EXHIBIT LIST







PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0071		Microsoft Documentation -- Volume Shadow Copy Service	EMC_0189455- EMC_0189466		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0072	4/29/2005		EMC_0189505- EMC_0189520	Clark Exhibit 5	402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0073	4/29/2005	S 	EMC_0189521- EMC_0189538		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0074	2/24/2003	 DD AA CC	EMC_0189539- EMC_0189552		402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0075	2/24/2003	 ACT ED	EMC_0189553- EMC_0189565	Clark Exhibit 4	402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0076	3/19/1999		EMC_0189566- EMC_0189581	Clark Exhibit 2	402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0077	5/12/2000		EMC_0189582- EMC_0189585	Clark Exhibit 3	402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0078		Issue Paper: Data Center Efficiency Assessment	EMC_0189586- EMC_0189620		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)

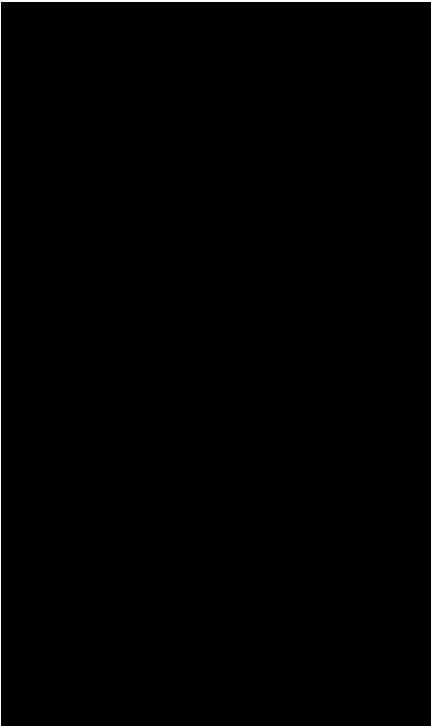
SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0079	1/9/2006	 D	EMC_0189621- EMC_0189632	Clark Exhibit 6 Parr Exhibit 6 Green Exhibit 4	402, 403, 802, 901, 1002	401 (infringement/damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0080	4/1/2014		EMC_0189633- EMC_0189633		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0081	2009-2014		EMC_0189634- EMC_0189634		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0082			EMC_0189635- EMC_0189635		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0083			EMC_0189636- EMC_0189636		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0084		 D	EMC_0189638- EMC_0189638		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)

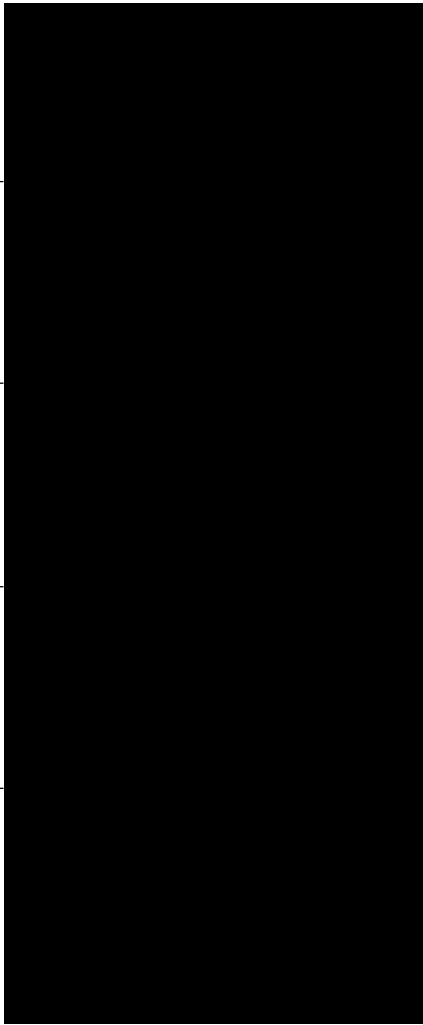
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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0085		VMware ESX and VMware ESXi Product Guide	EMC_0189639- EMC_0189644		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0086		VMware Virtual Machine File System: Technical Overview and Best Practices	EMC_0189645- EMC_0189663		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0087		Zerto Datasheet -- "What's New – Zerto Virtual Replication 3.5"	EMC_0189670- EMC_0189671		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0088	10/24/2005	PRNewswire -- "EMC RecoverPoint Spearheads New Information Protection Software"	EMC_0189672- EMC_0189678		402, 403, 802, 901	401 (infringement/validity), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0089	10/24/2005	InfoStor -- "EMC 'Validates' CDP"	EMC_0189679- EMC_0189681		402, 403, 802, 901	401 (infringement/validity), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902

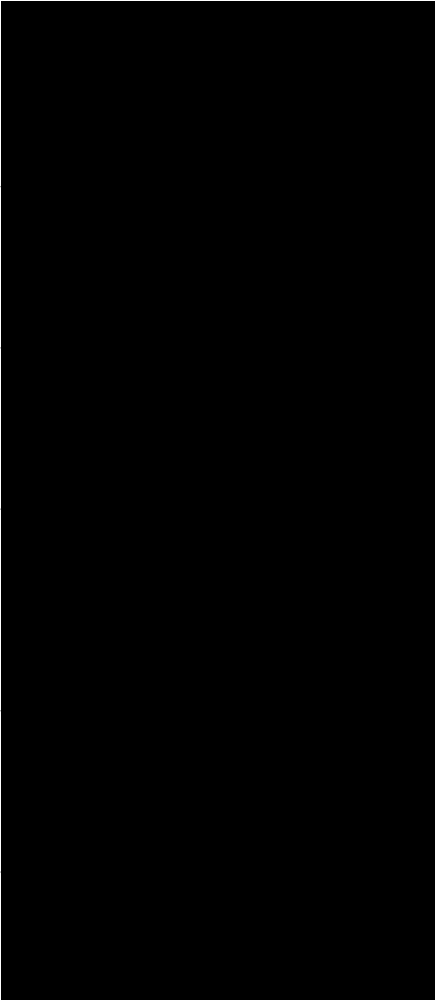
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EMC'S EXHIBIT LIST

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PX0090	10/31/2005	Windows IT Pro -- "Windows IT Pro Storage UPDATE--A New CDP Choice"	EMC_0189709- EMC_0189715		402, 403, 802, 901	401 (infringement/validity), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0091	11/12/2009		EMC_0189723- EMC_0189729	Ziv Kedem Exhibit 9	402, 403, 604, 802, 901	401 (infringement), 403 N/A, 604 met, 801(d), 803/804, 807, 901(b)
PX0092	11/21/2014		EMC_0197709- EMC_0197709	Ziv Kedem Exhibit 9	402, 403, 604, 802, 901	401 (infringement), 403 N/A, 604 met, 801(d), 803/804, 807, NCBA, 901(b)
PX0093	11/12/2009		EMC_0197710- EMC_0197719	Ziv Kedem Exhibit 9	402, 403, 604, 802, 901	401 (infringement), 403 N/A, 604 met, 801(d), 803/804, 807, 901(b)
PX0094	11/7/2009		EMC_0190484- EMC0190484	Kedem, Oded - Exhibit 20	402, 403, 602, 802, 901	401 (infringement), 403 N/A, 602 met, 803/804, 807, NCBA, 901(b)

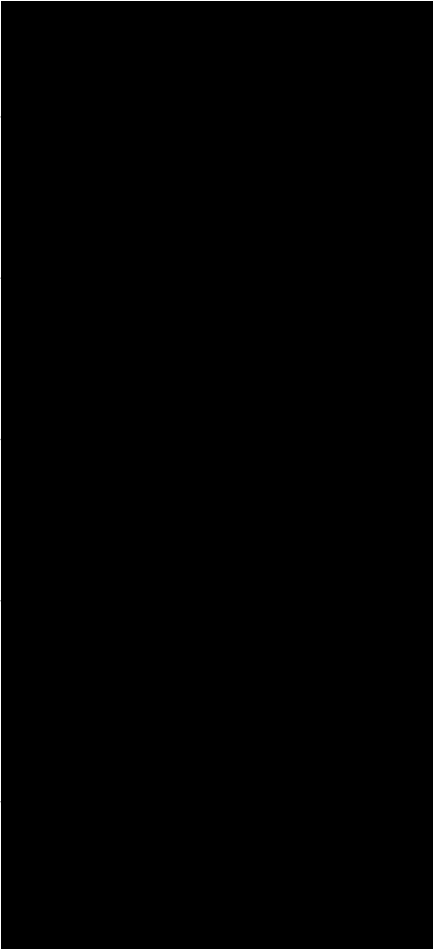
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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0095	8/30/2006		EMC_0190687- EMC_0190687		402, 403, 602, 802, 901	401 (infringement), 403 N/A, 602 met, not hearsay, 803/804, 807, NCBA, 901(b)
PX0096	8/28/2006		EMC_0190721- EMC_0190722		402, 403, 602, 802, 901	401 (infringement), 403 N/A, 602 met, 803/804, 807, NCBA, 901(b)
PX0097	6/21/2006		EMC_0190736- EMC_0190758	Kedem, Oded - Exhibit 16 Ziv Kedem Exhibit 23	402, 403, 602, 802, 901	401 (infringement), 403 N/A, 602 met, 803/804, 807, NCBA, 901(b)
PX0098	6/21/2006		EMC_0190737- EMC_0190758		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0099	9/13/2006		EMC_0190764- EMC_0190764		402, 403, 602, 802, 901	401 (infringement), 403 N/A, 602 met, not hearsay, 803/804, 807, NCBA, 901(b)

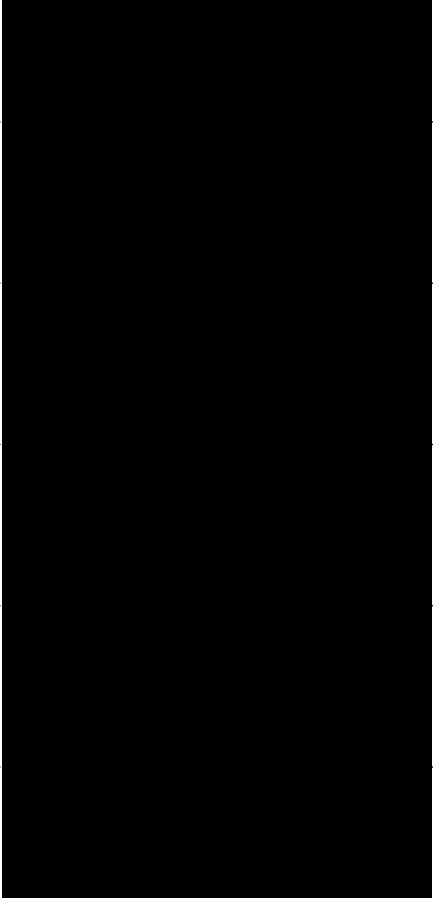
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0100	9/12/2006		EMC_0190765- EMC_0190775		402, 403, 802, 901	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b)
PX0101			EMC_0191263- EMC_0191281		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0102			EMC_0191293- EMC_0191297		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0103	4/6/2015		EMC_0191301- EMC_0191312	Lipka Exhibit 3	402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0104			EMC_0191313- EMC_0191314		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0105			EMC_0191318- EMC_0191320		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)

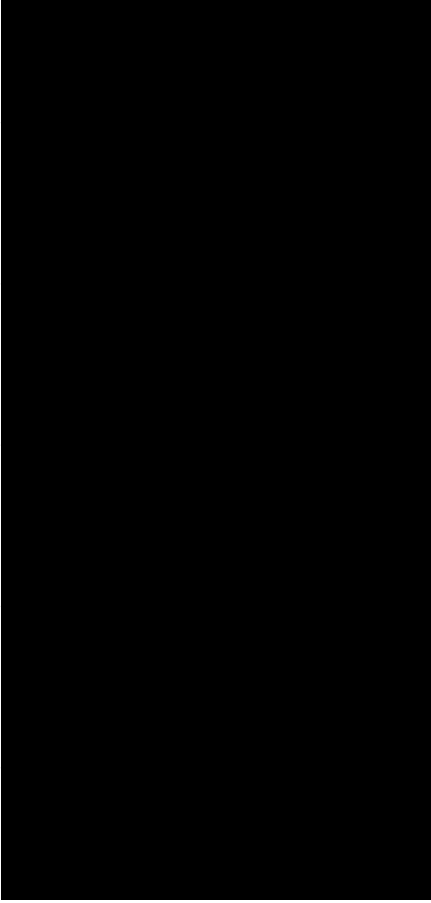
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0106			EMC_0191321- EMC_0191324		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0107			EMC_0191325- EMC_0191328		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0108			EMC_0191329- EMC_0191329		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0109			EMC_0191330- EMC_0191330		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0110			EMC_0191331- EMC_0191332		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0111			EMC_0191333- EMC_0191334		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)

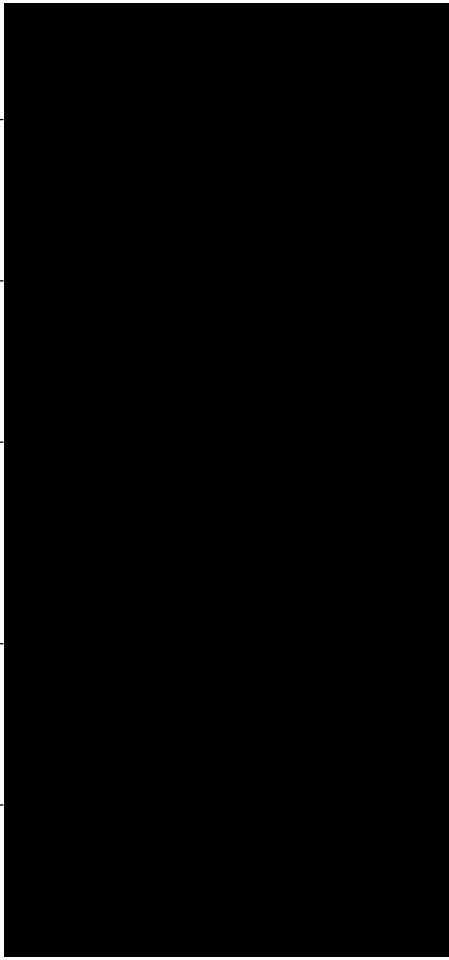
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0112			EMC_0191335- EMC_0191351		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0113			EMC_0191352- EMC_0191353		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0114			EMC_0191354- EMC_0191355		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0115			EMC_0191356- EMC_0191359		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0116			EMC_0191360- EMC_0191363		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0117			EMC_0191364- EMC_0191366		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)

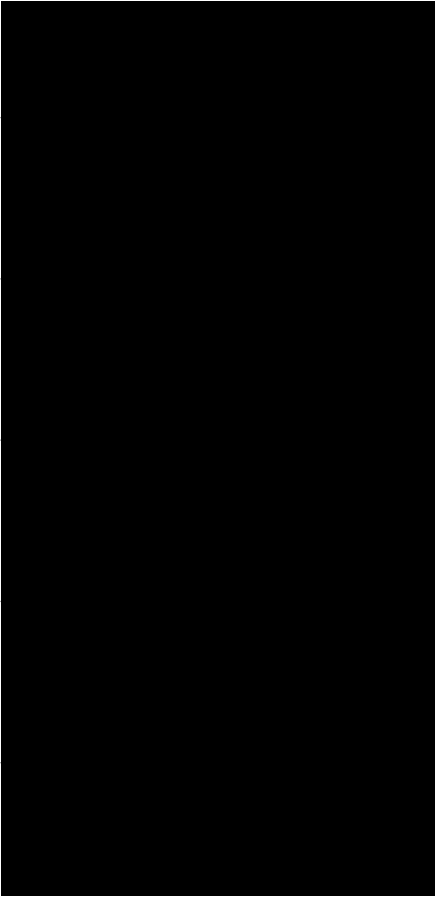
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0118			EMC_0191367- EMC_0191369		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0119			EMC_0191370- EMC_0191375		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0120			EMC_0191376- EMC_0191380		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0121			EMC_0191381- EMC_0191386		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0122			EMC_0191387- EMC_0191390		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
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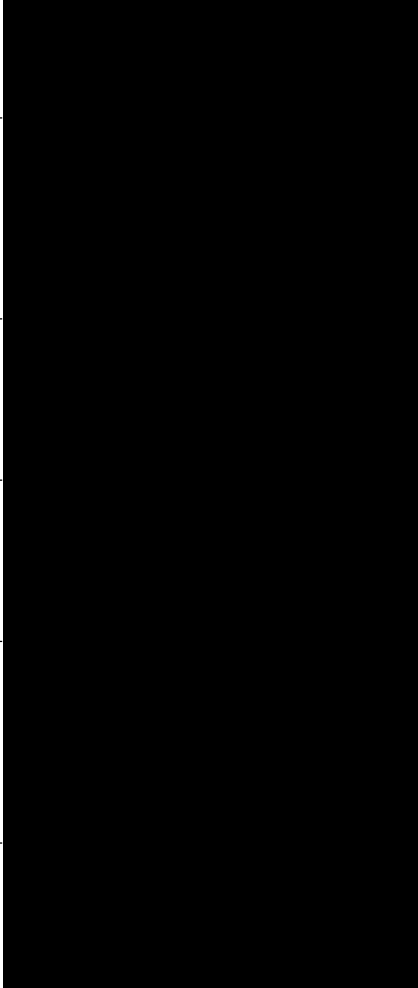
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PX0124			EMC_0191392- EMC_0191393		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0125			EMC_0191394- EMC_0191397		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0126			EMC_0191398- EMC_0191402		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0127			EMC_0191403- EMC_0191406		402, 403, 604, 802, 901	401 (infringement), 403 N/A, 604 met, 803/804, 807, 901(b)
PX0128			EMC_0191407- EMC_0191412		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
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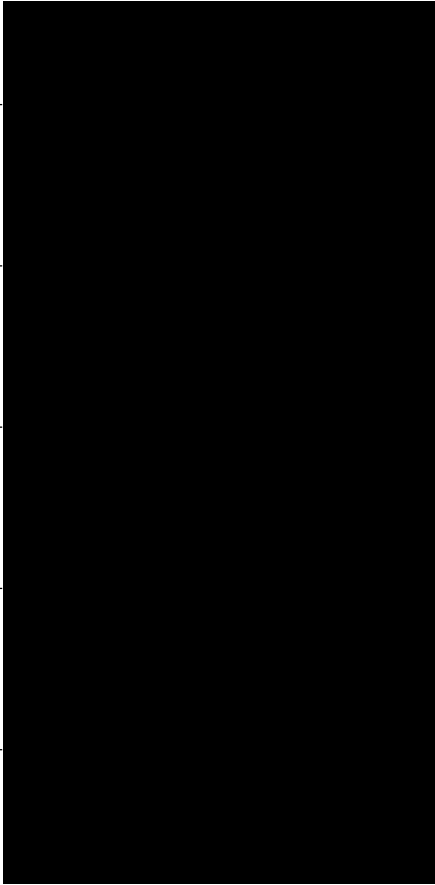
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PX0130			EMC_0191421- EMC_0191421		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0131			EMC_0191422- EMC_0191422		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0132			EMC_0191423- EMC_0191430		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0133			EMC_0191431- EMC_0191431		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0134			EMC_0191432- EMC_0191434		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
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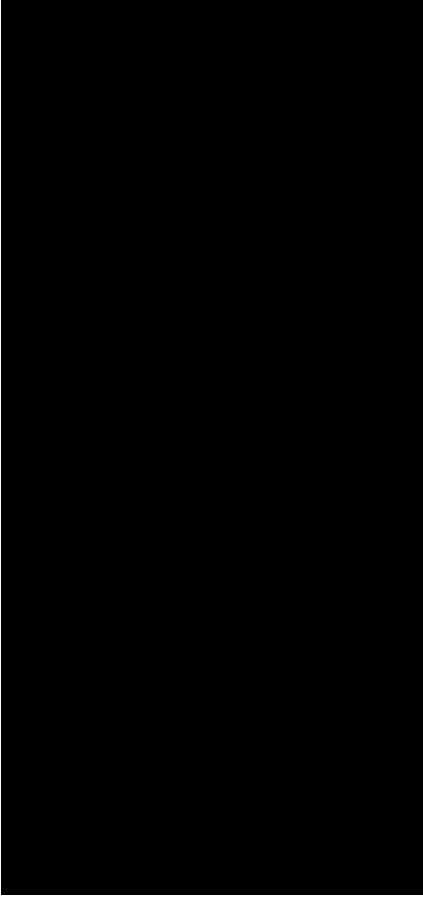
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PX0137			EMC_0191474- EMC_0191477		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0138			EMC_0191478- EMC_0191486		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0139			EMC_0191487- EMC_0191496		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0140			EMC_0191497- EMC_0191505		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0141			EMC_0191506- EMC_0191506		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)

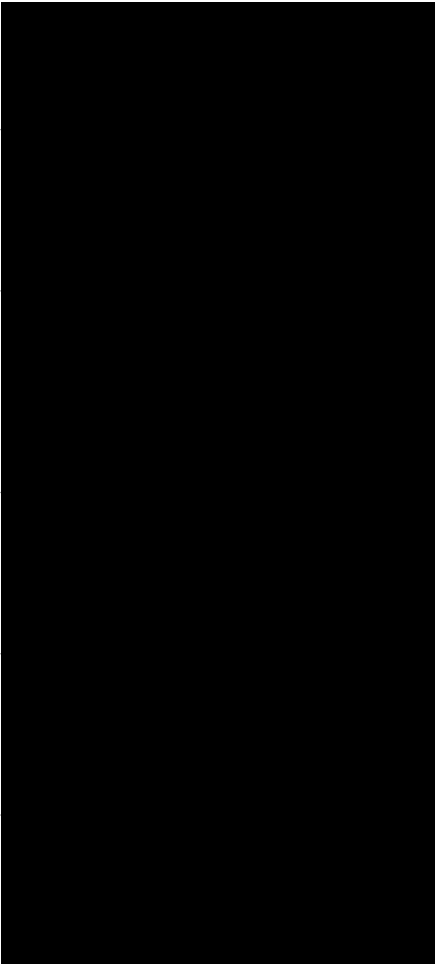
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PX0143			EMC_0191509- EMC_0191509		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0144			EMC_0191510- EMC_0191510		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0145			EMC_0191511- EMC_0191511		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0146			EMC_0191512- EMC_0191512		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
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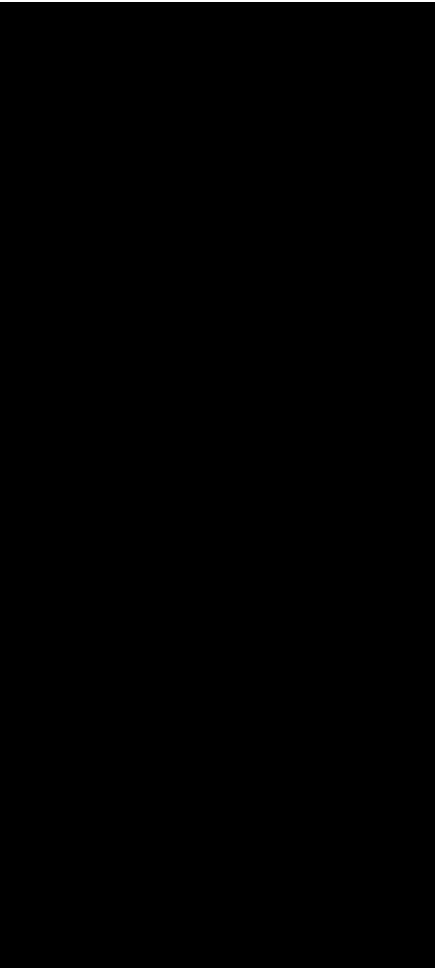
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PX0150			EMC_0191517- EMC_0191517		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0151			EMC_0191518- EMC_0191518		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0152			EMC_0191519- EMC_0191519		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
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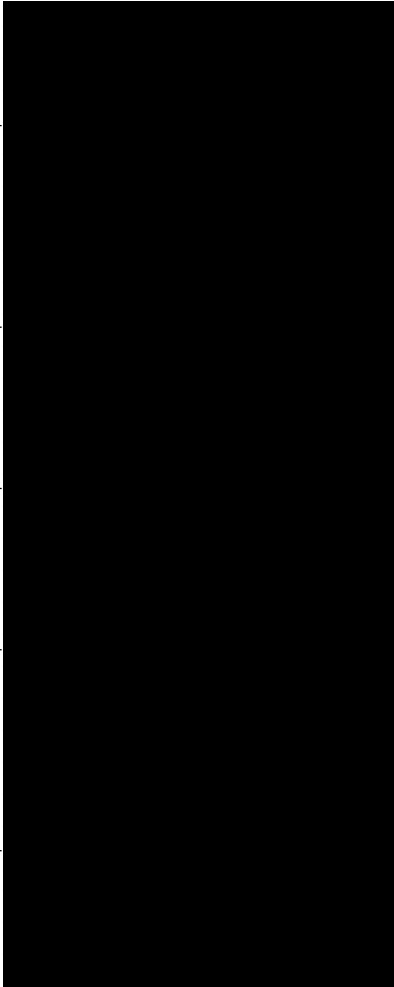
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0154			EMC_0191521- EMC_0191521		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0155			EMC_0191522- EMC_0191522		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0156			EMC_0191536- EMC_0191545		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0157			EMC_0191546- EMC_0191546		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0158			EMC_0191547- EMC_0191556		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0159			EMC_0191557- EMC_0191594		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)

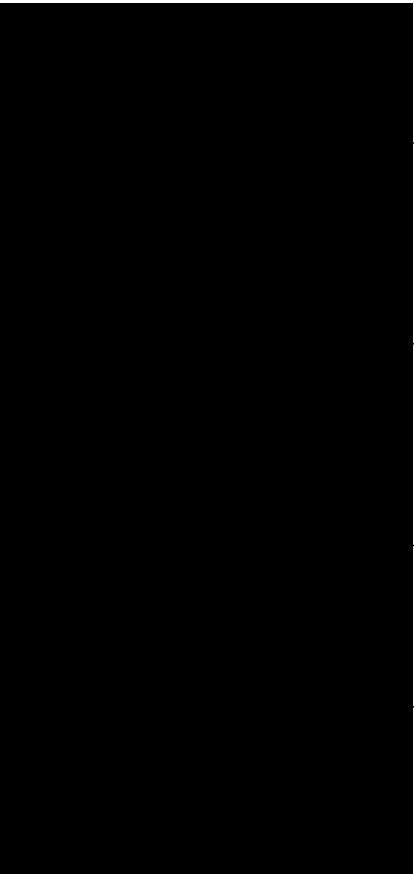
SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0160			EMC_0191595- EMC_0191596		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0161			EMC_0191597- EMC_0191597		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0162			EMC_0191598- EMC_0191599		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0163			EMC_0191600- EMC_0191604		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0164			EMC_0191605- EMC_0191605		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0165			EMC_0191606- EMC_0191607		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)

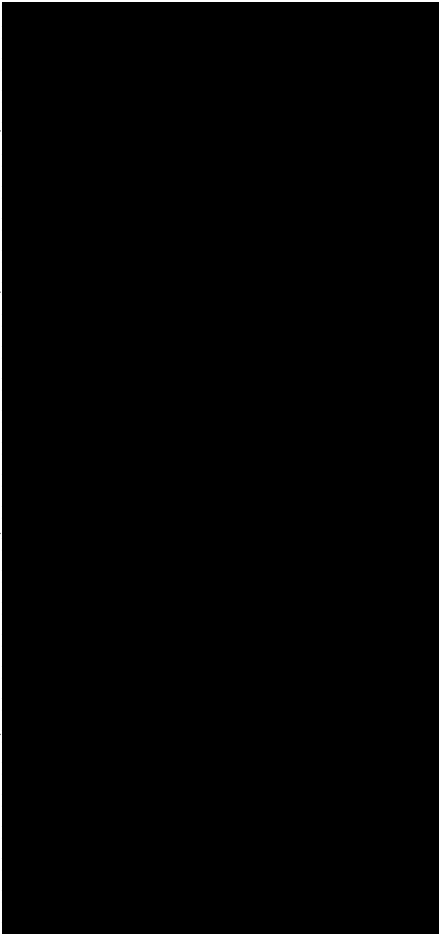
SCHEDULE C-1:
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0166			EMC_0191608- EMC_0191610		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0167			EMC_0191611- EMC_0191647		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0168			EMC_0191648- EMC_0191653		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0169			EMC_0191654- EMC_0191660		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0170			EMC_0191661- EMC_0191685		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0171			EMC_0191686- EMC_0191686		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)

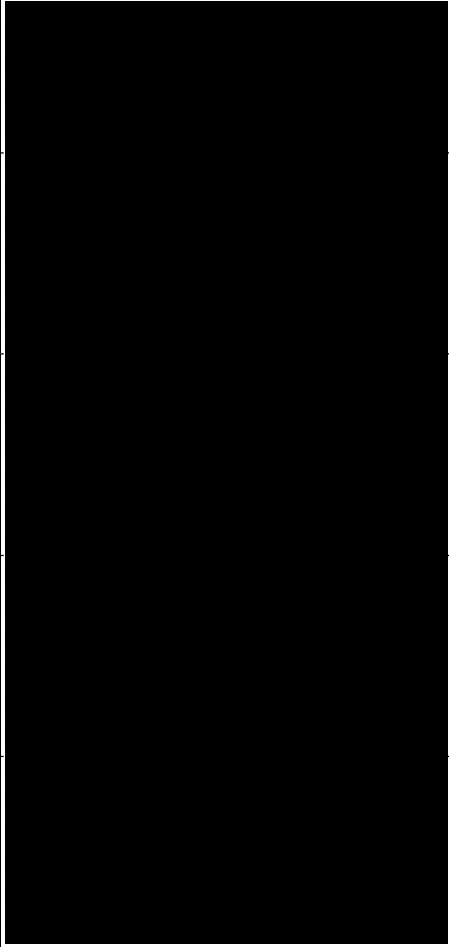
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0172			EMC_0191687- EMC_0191688		402, 403, 604, 802, 901	401 (infringement), 403 N/A, 604 met, 803/804, 807, NCBA, 901(b)
PX0173			EMC_0191689- EMC_0191725		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0174			EMC_0191726- EMC_0191733		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0175			EMC_0191734- EMC_0191736		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, 901(b)
PX0176			EMC_0191737- EMC_0191791		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)

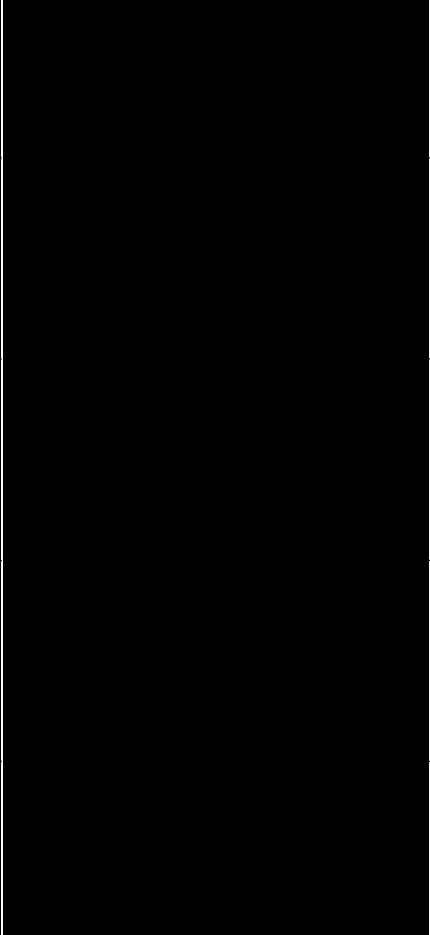
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0177			EMC_0191793- EMC_0191805		402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0178	3/31/2006		EMC_0192278- EMC_0192298		402, 403, 901	401 (infringement), 403 N/A, NCBA, 901(b)
PX0179	5/9/2006		EMC_0192305- EMC_0192309		402, 403, 802, 901, 1002	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NBCA, 901(b), 1003/1004
PX0180	9/27/1996		EMC_0192310- EMC_0192337	Parr Exhibit 9	402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0181	8/21/2007		EMC_0192338- EMC_0192354		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004

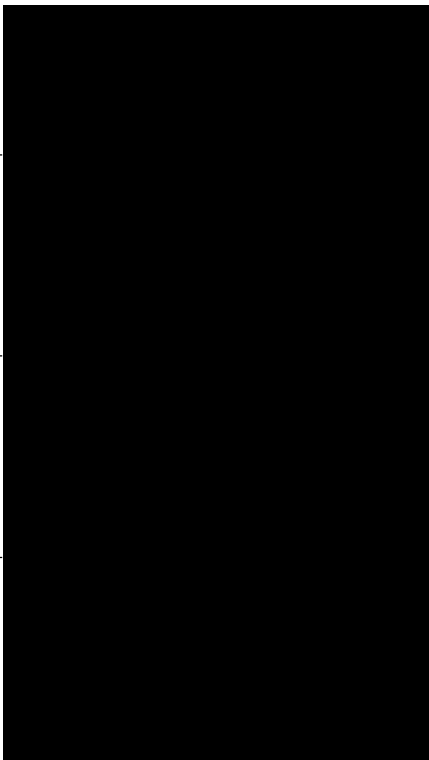
SCHEDULE C-1:
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0182	8/16/2006		EMC_0192355- EMC_0192378	Parr Exhibit 7	402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0183	12/22/1998		EMC_0192379- EMC_0192397	Parr Exhibit 8	402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0184	9/30/2004		EMC_0192398- EMC_0192402		402, 403, 802, 901	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b)
PX0185	4/1/2013		EMC_0192403- EMC_0192431		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0186	4/1/2013		EMC_0192432- EMC_0192462		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0187	4/1/1999		EMC_0192463- EMC_0192467		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0188	3/3/1999		EMC_0192468- EMC_0192475		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803, 804, 807, NCBA, 901(b), 1003/1004
PX0189	8/13/2007		EMC_0192501- EMC_0192519		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0190	3/10/2009		EMC_0192520- EMC_0192523		402, 403, 802, 901	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b)
PX0191	2/16/2011		EMC_0192524- EMC_0192526		402, 403, 802, 901	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0192	5/17/2011		EMC_0192527- EMC_0192528		402, 403, 802, 901	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b)
PX0193	7/29/2011		EMC_0192529- EMC_0192558		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0194	2/2/2009		EMC_0192559- EMC_0192566		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, not hearsay, 803/804, 807, NCBA, 901(b), 1003/1004
PX0195			EMC_0192581- EMC_0192582		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0196	6/3/2014	Zerto Press Release -- "Zerto Virtual Replication Now Includes Offsite Backup"	EMC_0193294- EMC_0193295		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0197		Microsoft Documentation -- Windows Shadow Share Documents	EMC_0193296- EMC_0194688		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0198		Zerto Webinar -- Disaster Recovery Can't be THIS Easy	EMC_0194695- EMC_0194695		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0199		Zerto Website -- Customer Testimonials for Zerto Virtual Replication	EMC_0194849- EMC_0194857		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0200	4/22/2014	Zerto Blog -- "Best Practices for Oracle Database Recovery	EMC_0195086- EMC_0195087		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)


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PX0201		Zerto Website -- "Cloud DR - Overview"	EMC_0195217- EMC_0195218		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0202		Zerto Website -- "Disaster Recovery as a Service (DRaaS)"	EMC_0195348- EMC_0195349		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0203		Zerto Website -- "Investors"	EMC_0195710- EMC_0195711		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0204		Zerto Blog - "Is Synchronous Replication Enough"	EMC_0195721- EMC_0195722		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0205	1/21/2013	Zerto Blog -- "5 Differences Between Zerto and SRM"	EMC_0197078- EMC_0197082		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0206	8/5/2011	Zerto Press Release -- "Zerto Closes \$15 Million in Series B Funding, Unveils Commercial Availability"	EMC_0197101- EMC_0197102		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0207	7/30/2012	Zerto Press Release -- "Zerto Virtual Replication 2.0 General Availability Announced"	EMC_0197285- EMC_0197286		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0208		Peter Newman, et al. -- "Flow Labelled IP: A Connectionless Approach to ATM"	EMC_0197720- EMC_0197730		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0209		WildPackets, Inc. -- "Ethernet Addresses and Names"	EMC_0197731- EMC_0197733		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0210		U.S. Patent No. 5,799,141 (Gallipeau, et al.)	EMC_0197734- EMC_0197748		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b), 902

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PX0211		U.S. Patent No. 6,308,283 (Gallipeau, et al.)	EMC_0197749- EMC_0197763		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b), 902
PX0212			EMC_0197764- EMC_0197773		402, 403, 802, 901	401 (infringement), 403, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0213		Stevenson, Dennis, "Why is it Called Cloud Computing?"	EMC_0197774- EMC_0197778		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0214		Microsoft, Understanding TCP/IP Addressing and Subnetting Basics	EMC_0197779- EMC_0197781		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0215	8/1/2014	IBISWorld Industry Report 51121b -- "Database, Storage & Backup Software Publishing in the US"	EMC_0197782- EMC_0197818		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0216		Zerto Datasheet -- Best Practices for Oracle Database Recovery	EMC_0197819- EMC_0197820		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0217		BusinessWire- Storage Software Market Sees Continued Strong Demand	EMC_0197821- EMC_0197822		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0218		CDP Technology- OTM	EMC_0197823- EMC_0197825		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0219		CDP Technology- PSM	EMC_0197826- EMC_0197828		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0220		Zerto Datasheet -- Comparison- Zerto vs. Site Recovery Manager (SRM)	EMC_0197829- EMC_0197831		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0221	1/1/2012	IDC White Paper -- "Continuous Replication for Business-Critical Applications"	EMC_0197832- EMC_0197838		402, 403, 802, 901, 1002	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902, 1003/1004
PX0222		Tom Clark, "Data Security for Storage Area Networks"	EMC_0197839- EMC_0197841		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0223		Zerto Website -- "Disaster Recovery Can't Be THIS Easy"	EMC_0197842- EMC_0197843		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0224		Double-Take Software, Inc. FY 2006 Form 10-K	EMC_0197844- EMC_0197930		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0225		Double-Take Software, Inc. FY 2007 Form 10-K	EMC_0197931- EMC_0198025		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0226		Double-Take Software, Inc. FY 2008 Form 10-K	EMC_0198026- EMC_0198131		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)

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PX0227		Double-Take Software, Inc. FY2009 Form 10-K	EMC_0198132- EMC_0198275		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0228		Zerto Datasheet -- DR for a Virtualized World	EMC_0198276- EMC_0198277		402, 403, 802, 901	401 (damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0229		EMC Press Release -- EMC Completes Acquisition of LEGATO Systems	EMC_0198278- EMC_0198279		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0230		EMC Press Release -- EMC Completes Acquisition of Vmware	EMC_0198280- EMC_0198282		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0231		EMC Corporation f-k-a Legato Systems, Inc. vs. Columbia Data Products, Inc. (Case No. 2-01 CV 312 TC), Dkt. Entry No. 1	EMC_0198283- EMC_0198294		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0232		EMC Corporation f-k-a Legato Systems, Inc. vs. Columbia Data Products, Inc. (Case No. 2-01 CV 312 TC), Dkt. Entry No. 12	EMC_0198295- EMC_0198316		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0233		EMC Corporation fka Legato Systems, Inc. vs. Columbia Data Products, Inc. (Case No. 201 CV 312 TC), Dkt. Entry No. 397	EMC_0198317- EMC_0198337		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0234		EMC Form 10-k, December 31, 2013	EMC_0198338- EMC_0198484		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0235		EMC Product Solutions	EMC_0198485- EMC_0198486		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0236		EMC Datasheet -- EMC RecoverPoint for Virtual Machines	EMC_0198487- EMC_0198488		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0237		NetworkWorld -- "EMC Snatches Up Legato"	EMC_0198489- EMC_0198490		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0238		Frost & Sullivan- 2013 Global Storage Market Research Report	EMC_0198491- EMC_0198528		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0239		Zerto Website -- Hear from your Peers Business Continuity and Disaster Recovery for Microsoft Applications	EMC_0198529- EMC_0198530		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)

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PX0240		Zerto Website -- "Hypervisor Replication"	EMC_0198531- EMC_0198532		402, 403, 802, 901	401 (infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0241		New York Times -- "I.B.M. Challenges EMC With New Data-Storage Line"	EMC_0198533- EMC_0198534		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0242		Robert Amatruda, "IDC Market Analysis: Worldwide Purpose-Built Backup Appliance 2012 - 2016 Forecast and 2011 Vendor Shares"	EMC_0198535- EMC_0198554		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0243		Zerto Blog -- "Is Synchronous Replication Enough?"	EMC_0198555- EMC_0198556		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0244		Legato Sys. Inc. v. Network Specialists, Inc., (Case No. 5-03-cv-02286,) Dkt. Entry No. 302	EMC_0198557- EMC_0198572		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0245		Zerto Website -- "Microsoft Hyper-V Data Replication, Backup, Recovery & Failover"	EMC_0198573- EMC_0198574		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0246		Tech Crunch Network -- "Moving Data From Cloud to Cloud, Zerto Raises \$26 Million"	EMC_0198575- EMC_0198579		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0247		MTI Technology Partners	EMC_0198580- EMC_0198583		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0248		Rouse, Margaret -- "What is network-attached storage (NAS)"	EMC_0198584- EMC_0198591		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0249		EMC Pulse -- "New EMC RecoverPoint for Virtual Machines: Redefining Hybrid Cloud Data Protection"	EMC_0198592- EMC_0198596		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0250		EMC Press Release -- "EMC Achieves Decade of Storage Software Market Share Leadership-Gains Market Share"	EMC_0198597- EMC_0198598		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0251	5/9/2006	EMC Press Release -- "EMC Acquires Kashya"	EMC_0198599- EMC_0198600		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0252		Zerto Website -- "Replication for VMWare"	EMC_0198601- EMC_0198603		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0253		SBBI Valuation 2005 Yearbook	EMC_0198604- EMC_0198606		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0254		SBBI Valuation 2006 Yearbook	EMC_0198607- EMC_0198609		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0255		The Evolution of Backup - Axcient	EMC_0198610- EMC_0198614		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0256		Zerto Blog -- "Tired of Not Being Able to Believe in Your Storage Vendor"	EMC_0198615- EMC_0198616		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)

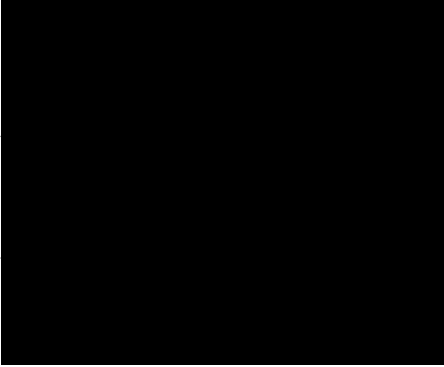
**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0257		U.S. Patent No. 4,899,342 (Potter, et al.)	EMC_0198617- EMC_0198624		402, 403, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0258		U.S. Patent No. 5,649,152 (Ohran, et al.)	EMC_0198625- EMC_0198640		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b), 902
PX0259		U.S. Patent No. 5,799,141 (Galipeau, et al.)	EMC_0198641- EMC_0198655		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b), 902
PX0260		U.S. Patent No. 6,308,283 (Galipeau, et al.)	EMC_0198656- EMC_0198670		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b), 902
PX0261		U.S. Patent No. 6,314,574 (Chan)	EMC_0198671- EMC_0198686		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b), 902
PX0262	3/21/2014	IDC Press Release -- "Worldwide Purpose-Built Backup Appliance (PBBA) Market Posts 9.7% Year-Over-Year Revenue Growth in Fourth Quarter of 2013, According to IDC"	EMC_0198687- EMC_0198689		402, 403, 802, 901	401 (damages), 403 N/A, 703 803/804, 807, NCBA, 901(b)
PX0263		Kingsley-Hughes, Adrian -- "Worldwide Storage Software Market Increases During First Quarter: IDC"	EMC_0198690- EMC_0198692		402, 403, 802, 901	401 (damages), 403 N/A, 703 803/804, 807, NCBA, 901(b), 902

**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0264		Zerto Press Release -- "Zerto Brings Enterprise-Class Replication to Microsoft Hyper-V"	EMC_0198693- EMC_0198694 and EMC_0198699- EMC_0198700		402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0265	3/27/2012	Dave Simpson, "Zerto covers all clouds with hypervisor-based replication for business continuity"	EMC_0198695- EMC_0198698		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0266	3/1/2013	Press Release from marketsandmarkets.com -- "DR as a Service Market [RaaS; Cloud DR; Disaster Recovery as a Service; Business Continuity as a Service] Worldwide Forecasts and Analysis (2013 - 2018)"	EMC_0198823- EMC_0198824		402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0267		Pidgeon, Nick -- "How Ethernet Works"	EMC_0198825- EMC_0198827		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0268		Black, Uyless N. -- "Introduction to Digital Transport Systems"	EMC_0198828- EMC_0198830		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902

**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0269		Black, Uyless, Computer Networks, Protocols, Standards and Interfaces, Second Edition	EMC_0198880- EMC_0198885		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b)
PX0270		Zandbergen, Paul -- "Types of Networks: LAN, WAN, WLAN, MAN, SAN, PAN, EPN & VPN"	EMC_0198886- EMC_0198888		402, 403, 802, 901	401 (infringement), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0271	11/10/1998	U.S. Patent No. 5,835,953 (Ohran)	EMC_0198889- EMC_0198921		402, 403, 901	401 (infringement), 403 N/A, NCBA, 901(b), 902
PX0272	4/29/2010		GD 000001-GD 000017	Willis (GoDaddy) Exhibit 2	402, 403, 802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0273			NO_BATES00001- NO_BATES00001		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0274			NO_BATES00002- NO_BATES00002		402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)

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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0275	11/20/2014	Appendix I: Supplemental Infringement Contentions for '460 Patent			402, 403, 602, 802, 901, 703	401 (infringement), 403 N/A, 602 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 703 met
PX0276	9/20/2013	Answer to Amended Complaint (D.I. #067)			402, 403, Not Evidence	401 (infringement), 403 N/A
PX0277	1/9/2015	Appendix B, Revised, listing Information Reviewed by Russell Parr for preparation of Expert Damages Report of Russell L. Parr, CFA, ASA, CLP		Parr Exhibit 2	402, 403, 602, 802, 901, 703	401 (damages), 403 N/A, 602 N/A, 703 met, 803/804, 807, NCBA, 901(b)
PX0278	2/14/2012	Zerto Website -- "Introducing Zerto Virtual Replication 2.0, Industry's First Cloud BC/DR Platform for Private, Hybrid and Public Clouds"		Allerhand Exhibit 22	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0279	7/30/2012	Zerto Website -- "Zerto Virtual Replication 2.0 General Availability Announced"		Allerhand Exhibit 23	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0280	8/21/2013	Zerto Website -- "Zerto Virtual Replication 3.0 Now Available for Public, Private and Hybrid Clouds"		Allerhand Exhibit 25	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0281	2/20/2013	Zerto Website -- "Zerto Widens Technological Lead with Zerto Virtual Replication 3.0"		Allerhand Exhibit 24	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0282	10/27/2010	Zerto Blog -- "It's Good to Be Back! WOW, The World Has Changed!"		Ziv Kedem Exhibit 4 Kedem, Oded - Exhibit 19	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0283	1/28/2013	Zerto Blog -- "Top 5 Reasons Why Backup is Not Disaster Recovery"		Gill Exhibit 12	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)

**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0284	Printed on 10/21/2014	Zerto Website -- Board of Directors		Ziv Kedem Exhibit 14	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0285	11/21/2014	Appendix II Supplemental Infringement Contentions for '395 Patent			402, 403, 602, 802, 901, 703	401 (infringement), 403 N/A, 602 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 703 met
PX0286	11/21/2014	Appendix III Supplemental Infringement Contentions for '091 Patent			402, 403, 602, 802, 901, 703	401 (infringement), 403 N/A, 602 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 703 met
PX0287	11/21/2014	Appendix IV Supplemental Infringement Contentions for '222 Patent			402, 403, 602, 802, 901, 703	401 (infringement), 403 N/A, 602 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 703 met



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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0288	11/21/2014	Appendix V Supplemental Infringement Contentions for '867 Patent			402, 403, 602, 802, 901, 703	401 (infringement), 403 N/A, 602 N/A, not hearsay, 803/804, 807, NCBA, 901(b), 703 met
PX0289	12/1/2014	Ian Jestice CV		Jestice Exhibit 17	802, 901	803/804, 807, NCBA, 901(b)
PX0290	11/2/2012	Declaration of Ziv Kedem		Ziv Kedem Exhibit 2 Kedem, Oded - Exhibit 14	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0291	3/21/2013	[REDACTED]		Allerhand Exhibit 30	402, 403, 802, 901	401 (damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0292	12/1/2014 - 1/9/2015	[REDACTED]		Zadok Exhibit 18	402, 403, 802, 901	401 (infringement/validity), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0293 AND PX0299	11/20/2014	EMC's Supplemental Response to Zerto's First and Third Set of Interrogatories (Nos. 1, 2, 4, 9, 14, 15 & 18)			901, 703	703 met, NCBA, 901(b)



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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0294	7/10/2014	EMC's Response to Zerto's Second Set of Interrogatories (10-13)			901, 703	703 met, NCBA, 901(b)
PX0295	9/19/2014	EMC's Response to Zerto's Third Set of Interrogatories			901, 703	703 met, NCBA, 901(b)
PX0296	10/20/2014	EMC's Responses and Objections to Zerto's Notice of 30(b)(6) Deposition of EMC Corporation			901, 703	703 met, NCBA, 901(b)
PX0297	4/8/2013	EMC's Responses to Zerto's First Set of Interrogatories			901, 703	703 met, NCBA, 901(b)
PX0298	12/13/2013	EMC's Second Supplemental Response to Zerto's First Set of Interrogatories (No. 1)			901, 703	703 met, NCBA, 901(b)
PX0299 AND PX0293	11/20/2014	EMC's Supplemental Response to Zerto's First and Third Set of Interrogatories (Nos. 1, 2, 4, 9, 14, 15 18)			901, 703	703 met, NCBA, 901(b)
PX0300	4/12/2013	EMC's Supplemental Response to Zerto's First Set of Interrogatories (No. 1)			901, 703	703 met, NCBA, 901(b)
PX0301 AND PX0302	8/26/2014	EMC's Supplemental Response to Zerto's First Set of Interrogatories (Nos. 1-9)		Chen Exhibit 2 Burke Exhibit 9	901, 703	703 met, NCBA, 901(b)
PX0302 AND PX0301	8/26/2014	EMC's Supplemental Response to Zerto's First Set of Interrogatories (Nos. 1-9)			901, 703	703 met, NCBA, 901(b)
PX0303	8/26/2014	EMC's Supplemental Response to Zerto's Second Set of Interrogatories (No. 10)			901, 703	703 met, NCBA, 901(b)

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0304		Excerpt of Russell Parr Trial Testimony		Parr Exhibit 5	402, 403, 802, 901	401 (damages), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0305	12/3/2014	Expert Report of Philip Green		Green Exhibit 1 Parr Exhibit 3	402, 403, 802, 702, 703	401 (damages), 403 N/A, 803/804, 807, 702 met, 703 met
PX0306	12/3/2014	Opening Expert Report of Ian Jestice		Jestice Exhibit 19	802, 702, 703	702 met, 703 met, 803/804, 807
PX0307	2/00/2012	Zerto Website -- "A Comparison of Hypervisor-based Replication vs. Current and Legacy BC/DR Technologies"		Ziv Kedem Exhibit 41	402, 403, 802, 901	401 (infringement), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0308	8/19/2013	First Amended Complaint and Related Exhibits (D.I. #064)			402, 403, Not Evidence	401 (infringement), 403 N/A, Contains Facts Admitted in Answer
PX0309	11/20/2014	 ACT ED		Green Exhibit 9	402, 403, 802, 901	401 (damages), 403 N/A, 703, 803/804, 807, 901(b)
PX0310	2/5/2013	 D		UGL Unicco Exhibit 3	402, 403, 901	401 (infringement), 403 N/A, NCBA, 901(b)

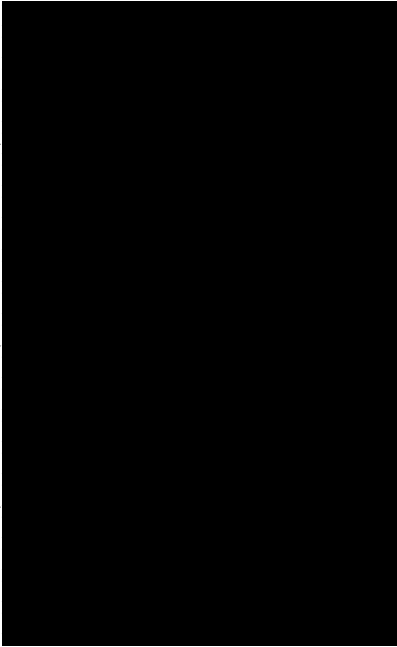
SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0311	1/30/2014			UGL Unicco Exhibit 2	402, 403, 901	401 (infringement), 403 N/A, NCBA, 901(b)
PX0312	11/26/2013	D 		Walsh Exhibit 4	402, 403, 802, 901	401 (validity), 403N/A, 801(d), 807, NCBA, 901(b)
PX0313	7/18/2014	Notice of Deposition of Defendant Zerto, Inc.			901	NCBA, 901(b)
PX0314	11/10/2014	Subpoena ad Testificandum for Third-Party GoDaddy.com, LLC		Willis (GoDaddy) Exhibit 1	402, 403, 802, 901	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b)
PX0315	10/21/2014	Objections to EMC's Notice of Federal Rule 30(b)(6) Deposition Directed to Zerto, Inc.			402, 403, 602, 802, 901	401 (infringement), 403 N/A, 602 met, not hearsay, 801(d), 803/804, 807, NCBA, 901(b)


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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0316	Printed on 9/11/2014	Zerto Website -- "Oded Kedem - Management Team"		Ziv Kedem Exhibit 5	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0317	printed 9/11/2014	Zerto Website -- "Partner Programs"		Zeiter Exhibit 4	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0318		Patent Owner Preliminary Response (Paper 10) in Zerto, Inc. v. EMC Corp. et al., IPR2013-00458			402, 403, 802, 901, 1002	401 (validity), 403 N/A, 703, 803/804, NCBA, 901(b), 1003/1004
PX0319		Patent Owner Preliminary Response (Paper 11) in Zerto, Inc. v. EMC Corp., IPR2014-01254			402, 403, 802, 901, 1002	401 (validity), 403 N/A, 703, 803/804, NCBA, 901(b), 1003/1004
PX0320		Patent Owner Preliminary Response (Paper 12) in Zerto, Inc. v. EMC Corp., IPR2014-01295			402, 403, 802, 901, 1002	401 (validity), 403 N/A, 703, 803/804, NCBA, 901(b), 1003/1004
PX0321		Patent Owner Preliminary Response (Paper 12) in Zerto, Inc. v. EMC Corp., IPR2014-01329			402, 403, 802, 901, 1002	401 (validity), 403 N/A, 703, 803/804, NCBA, 901(b), 1003/1004

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0322		Patent Owner Preliminary Response (Paper 13) in Zerto, Inc. v. EMC Corp., IPR2014-01332			402, 403, 802, 901, 1002	401 (validity), 403 N/A, 703, 803/804, NCBA, 901(b), 1003/1004
PX0323	1/9/2015	Rebuttal Expert Report of Ian Jestice		Jestice Exhibit 1	802, 702, 703	702 met, 703 met, 803/804, 807
PX0324	10/13/2014			Kedem, Oded Exhibit 18	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0325	10/13/2014			Kedem, Oded Exhibit 17	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0326				Allerhand Exhibit 26	402, 403, 802, 901	401 (damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0327				Allerhand Exhibit 27	402, 403, 802, 901	401 (damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0328	3/21/2013	 ED		Allerhand Exhibit 29 Allerhand Exhibit 30	402, 403, 802, 901	401 (damages), 403 N/A, not hearsay, 801(d), 803/804, NCBA, 901(b)
PX0329	11/21/2014	Subpoena ad Testificandum for Third-Party Rapidparts, Inc.		Dickinson (RapidParts) Exhibit 1	402, 403, 802, 901	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b)
PX0330	10/2/2014	Subpoena to Testify at a Deposition in a Civil Action, issued to UGL Unicco (D.I. #156)		UGL Unicco Exhibit 1	402, 403, 802, 901	401 (infringement), 403 N/A, not hearsay, 803/804, 807, NCBA, 901(b)
PX0331	12/23/2014	Supplemental Expert Report of Ian Jestice		Jestice Exhibit 20	802, 702, 703	702 met, 703 met, 803/804, 807
PX0332	4/14/2014	Wall Street Journal -- "Ziv Kedem: The Hummus-Baked Bean Connection"		Ziv Kedem Exhibit 50	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b), 902

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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0333	3/24/2009	Dennis Stevenson -- "Why is it called 'Cloud Computing'?"		Jestice Exhibit 18	402, 403, 802, 901	401 (infringement/validity), 403 N/A, 703, 803/804, 807, NCBA, 901(b), 902
PX0334	printed 9/11/2014	Zerto Website -- "Zerto Alliance Partner Program"		Gill Exhibit 2 Zeiter Exhibit 5	402, 403, 802, 901	401 (damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0335	1/21/2013	Zerto Website - "5 Differences Between Zerto and SRM"		Kedem, Oded, Exhibit 3 Ziv Kedem Exhibit 47	402, 403, 802, 901	401 (damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0336	Undated - Printed 10/14/2014	Zerto Website - "Cloud DR - Overview, Zerto Virtual Replication - Disaster Recovery for Public and Hybrid Clouds"		Ziv Kedem Exhibit 42	402, 403, 802, 901	401 (infringement/damages), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0337	Undated - Copyright date 2013	Zerto Datasheet - "What's New in Zerto Virtual Replication 3.1?"		Ziv Kedem Exhibit 36	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0338	6/3/2014	Zerto Website - "Zerto Virtual Replication Now Includes Offsite Backup"		Ziv Kedem Exhibit 40	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0339	Printed 10/16/2014	Zerto Website -- "BCDR for Private Clouds"		Kedem, Oded - Exhibit 11	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0340	copyright 2013	Zerto Datasheet -- "What's New in Zerto Virtual Replication 3.0?"		Zeiter Exhibit 28 Kedem, Ziv, Exhibit 35	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0341	copyright 2014	Zerto Datasheet -- "What's new in Zerto Virtual Replication 3.5?"		Zeiter Exhibit 29 Gill Exhibit 18 Ziv Kedem Exhibit 37	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0342	copyright 2012	Zerto Datasheet -- "Zerto Virtual Replication, What's New in Zerto Virtual Replication 2.0?"		Zeiter Exhibit 27 Ziv Kedem Exhibit 34	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0343	6/1/2014	[REDACTED]			402, 403, 901	401 (damages), 403 N/A, NCBA, 901(b)
PX0344	printed 9/11/2014	Zerto Website -- "Zerto Cloud DR Ecosystem Program (ZCE)"		Zeiter Exhibit 6	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0345 AND PX0347	8/15/2014	Zerto Response to EMC's Fourth Set of Interrogatories (11-26)			901, 703	703 met, NCBA, 901(b)
PX0346	6/5/2014	[REDACTED] ED			402, 403, 802, 901	401 (damages), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0347 AND PX0345	8/15/2014	Zerto, Inc.'s Response to EMC's Fourth Set of Interrogatories			901, 703	703 met, NCBA, 901(b)
PX0348 AND PX0353	2/13/2013	Zerto, Inc.'s Responses to Plaintiffs' First Set of Interrogatories (Nos. 1-7)			901, 703	703 met, NCBA, 901(b)
PX0349 AND PX0354	2/19/2013	Zerto, Inc.'s Responses to Plaintiffs' Second Set of Interrogatories (Nos. 8-9)			901, 703	703 met, NCBA, 901(b)

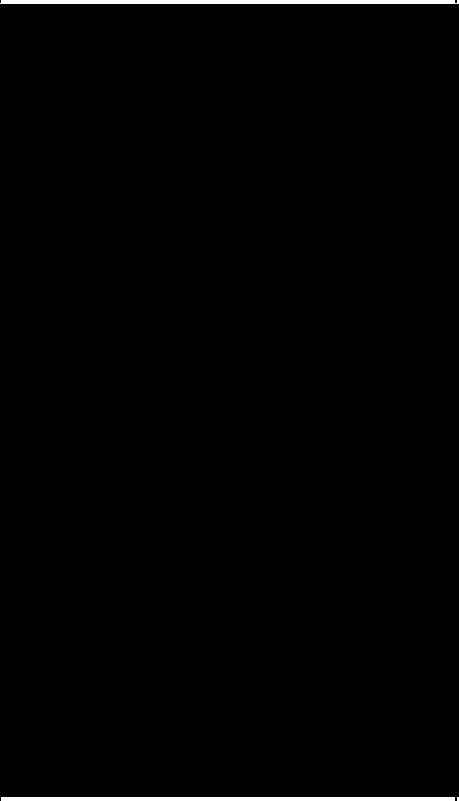
**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0350 AND PX0355	5/14/2013	Zerto, Inc.'s Responses to Plaintiffs' Third Set of Interrogatories (No. 10)			901, 703	703 met, NCBA, 901(b)
PX0351 AND PX0356	7/7/2014	Zerto, Inc.'s Supplemental Response to Plaintiffs' Interrogatory No. 5			901, 703	703 met, NCBA, 901(b)
PX0352	Printed 10/22/2014	Zerto Website -- "About Us, Disaster Recovery and Business Continuity for a New World"		Ziv Kedem Exhibit 33	402, 403, 802, 901	401 (infringement), 403 N/A, 801(d), 803/804, 807, NCBA, 901(b)
PX0353 AND PX0348	2/13/2013	Zerto's Responses to EMC's First Set of Interrogatories (Nos. 1-7)			901, 703	703 met, NCBA, 901(b)
PX0354 AND PX0349	2/19/2013	Zerto's Responses to EMC's Second Set of Interrogatories (Nos. 8-9)			901, 703	703 met, NCBA, 901(b)
PX0355 AND PX0350	5/14/2013	Zerto's Responses to Plaintiffs' Third Set of Interrogatories (No. 10)			901, 703	703 met, NCBA, 901(b)
PX0356 AND PX0351	7/7/2014	Zerto's Supplemental Response to EMC's Interrogatory No. 5			901, 703	703 met, NCBA, 901(b)
PX0357	12/3/2013	Request for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970 on Taking of Evidence Abroad in Civil or Commercial Matters, (D.I. #078)			901	NCBA, 901(b)

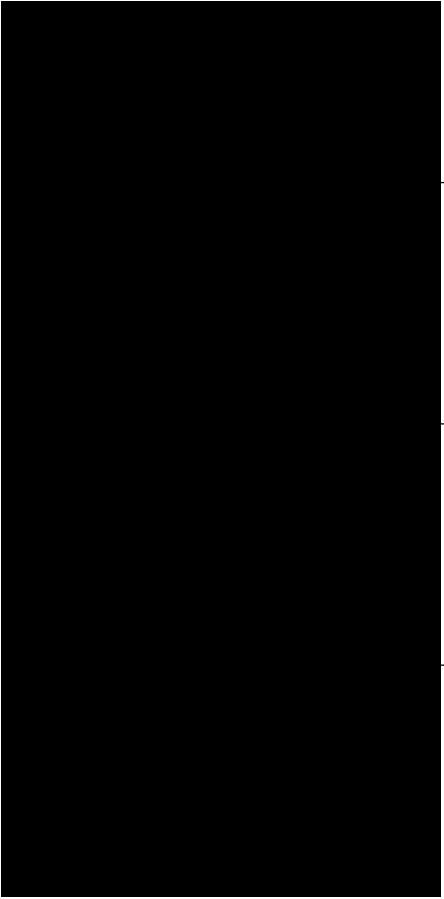
SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0358	11/25/2013	Plaintiffs' Unopposed Motion for Issuance of Letter of Request to a Third Party in Israel (D.I. #076)			901	NCBA, 901(b)
PX0359	2/3/2015	Business Wire, February 3, 2015 Press Release, "Zerto Hits Triple-Digit Growth Once Again; Builds toward a Future of Uninterrupted Technology"	EMC_0198954- EMC_0198956		402, 403, 802, 901, document produced after close of fact discovery	401 (damages), 403 N/A, 803/804, 807, NCBA, 901(b), 902, document created by Zerto after close of fact discovery
PX0360	11/2/1999	U.S. Patent No. 5,975,410 (Slattery, et al.)	EMC_0198941- EMC_0198948		402, 403, 901, document produced after close of fact discovery	401 (infringement/validity), 403 N/A, NCBA, 901(b), 902, disclosed during fact discovery
PX0361	1/29/2002	U.S. Patent No. 6,342,073 B1 (Cumming, et al.)	EMC_0198949- EMC_0198953		402, 403, 901, document produced after close of fact discovery	401 (infringement/validity), 403 N/A, NCBA, 901(b), 902, disclosed during fact discovery

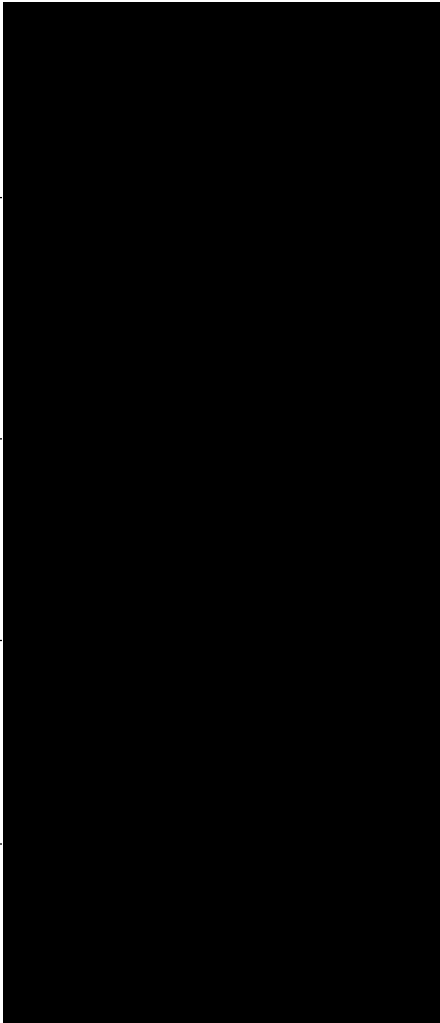
SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0362	3/17/2010	U.S. Provisional Patent Application No. 61/314,589	EMC_0198922- EMC_0198940		402, 403,802, 901	401 (infringement), 403 N/A, 803/804, 807, NCBA, 901(b), 902
PX0363	8/4/2004		ZERTO INC. 1004 000001-ZERTO INC. 1004 000105	Walsh Exhibit 2 Lipka Exhibit 7 (Ziv Kedem Exh. 24 missing blank pgs. 8, 22, 24, 38, 46, 54, 96 and 102) Kedem, Oded Exhibit 22	402, 403,802, 901	401(validity), 403 N/A, 803/804, 807, NCBA, 901(b)
PX0364			ZERTO0000007- ZERTO0000275		402, 403,802, 901	401(infringement/validity), 403 N/A, 703, 801(d), 803/804, 807, NCBA, 901(b)
PX0365			ZERTO0005654- ZERTO0005817		402, 403,802, 901	401(infringement/valdity), 403 N/A, 703, 801(d), 803/804, 807, 901(b)
PX0366	1/6/2013		ZERTO0008542- ZERTO0008542	Zeiter Exhibit 15	402, 403,802, 901, 1002	401(damages), 403 N/A, 703, not hearsay, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004

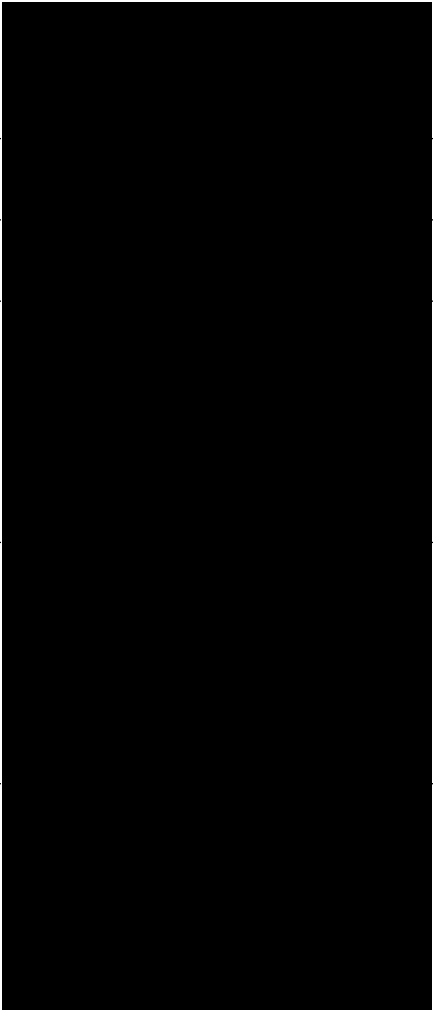
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0367	1/17/2012		ZERTO0008905- ZERTO0008905		402, 403,802, 901, 1002	401(damages), 403 N/A, not hearsay, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0368	3/18/2013		ZERTO0009621- ZERTO0009621	Zeiter Exhibit 14	402, 403,802, 901, 1002	401(damages), 403 N/A, 703, not hearsay, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0369	10/10/2013		ZERTO0012408- ZERTO0012419	Zeiter Exhibit 22	402, 403,802, 901, 1002	401(damages), 403 N/A, 703, 801(d), 803/804, 807, not hearsay, 901(b), NBCA, 1003/1004
PX0370	9/18/2013		ZERTO0013192- ZERTO0013195	Zeiter Exhibit 24	402, 403,802, 901, 1002	401(damages), 403 N/A, 703, 801(d), 803/804, 807, not hearsay, 901(b), NBCA, 1003/1004

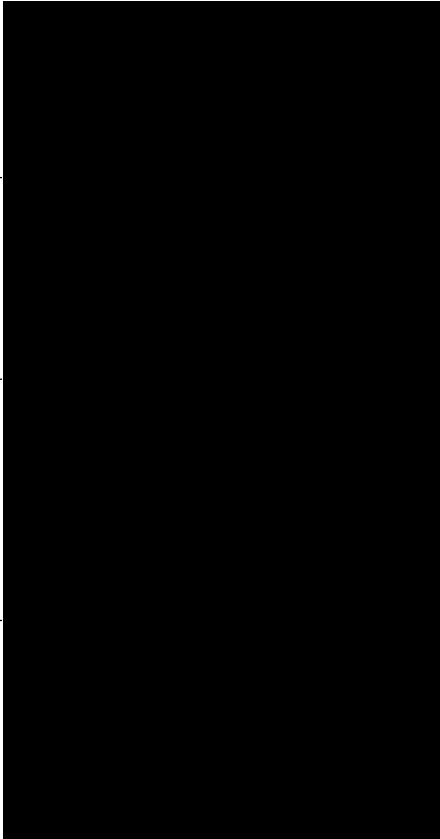
SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0371	4/15/2013		ZERTO0013208- ZERTO0013223	Zeiter Exhibit 23	402, 403,802, 901, 1002	401(damages), 403 N/A, 703, 801(d), 803/804, 807, not hearsay, 901(b), NBCA, 1003/1004
PX0372	1/1/2013		ZERTO0016325- ZERTO0016336		402, 403,802, 901, 1002	401(damages), 403 N/A, 703, 801(d) 803/804, 807, not hearsay, 901(b), NBCA, 1003/1004
PX0373			ZERTO0016986- ZERTO0016993		402, 403,802, 901, 1002	401(damages), 403 N/A, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0374			ZERTO0016994- ZERTO0016998		402, 403, 802, 901	401(damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0375	2/24/2008		ZERTO0018418- ZERTO0018424	Gill Exhihit 14 Zeiter Exhibit 17	402, 403, 802, 901	401(damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

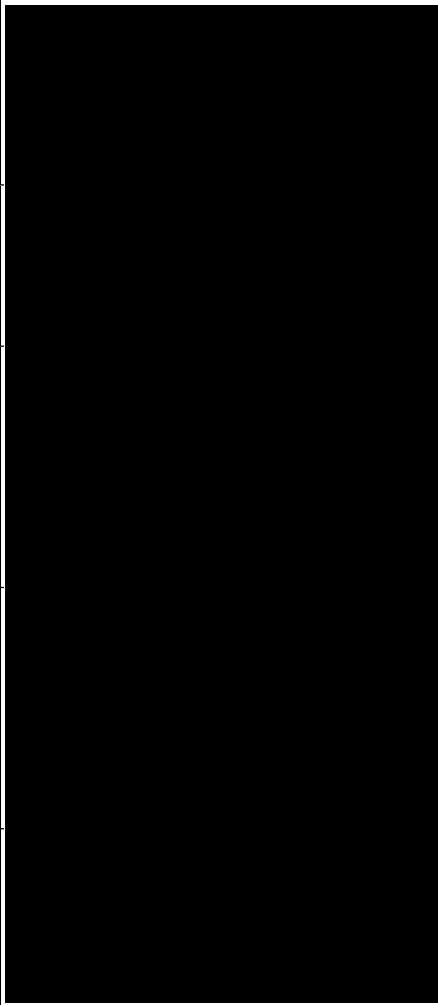
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0376			ZERTO0018471- ZERTO0018481	Gill Exhibit 5	402, 403, 802, 901	401(damages), 403 N/A, 801(d), 803/804, 807, 901(b), NBCA
PX0377			ZERTO0018484- ZERTO0018485	Ziv Kedem Exhibit 1	802, 901	803/804, 807, 901(b), NBCA
PX0378			ZERTO0018489- ZERTO0018491	Kedem, Oded - Exhibit 13	802, 901	803/804, 807, 901(b), NBCA
PX0379	5/9/2011		ZERTO0018651- ZERTO0018651		402, 403, 602, 802, 901	401(damages/infringement) , 403 N/A, 602 met, 801(d), 803/804, 807, NBCA, 901(b)
PX0380	5/11/2011		ZERTO0018652- ZERTO0018653		402, 403, 802, 901, 1002	401(damages/infringement) , 403 N/A, 801(d), 803/804, 807, not hearsay, NBCA, 901(b), 1003/1004
PX0381	5/11/2011		ZERTO0018654- ZERTO0018656		402, 403, 802, 901, 1002	401(damages/infringement) , 403 N/A, not hearsay, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004

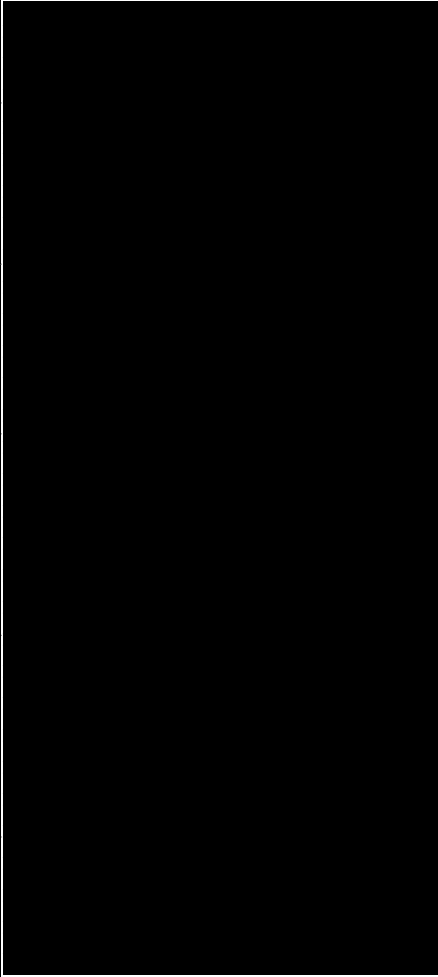
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0382	5/11/2011		ZERTO0018657- ZERTO0018659		402, 403, 802, 901, 1002	401(damages/infringement), 403 N/A, 801(d), 803/804, 807, not hearsay, NBCA, 901(b), 1003/1004
PX0383	12/10/2009		ZERTO0018703- ZERTO0018703		402, 403, 802	401 (damages/infringement), 403 N/A, 801(d), 803/804, 807, 807.
PX0384			ZERTO0018704- ZERTO0018704		402, 403, 802, 901, 1002	401(damages/infringement), 403 N/A, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004.
PX0385	3/21/2010		ZERTO0019834- ZERTO0019836	Ziv Kedem Exhibit 30	402, 403, 802, 901, 1002	401(damages/infringement), 403 N/A, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004

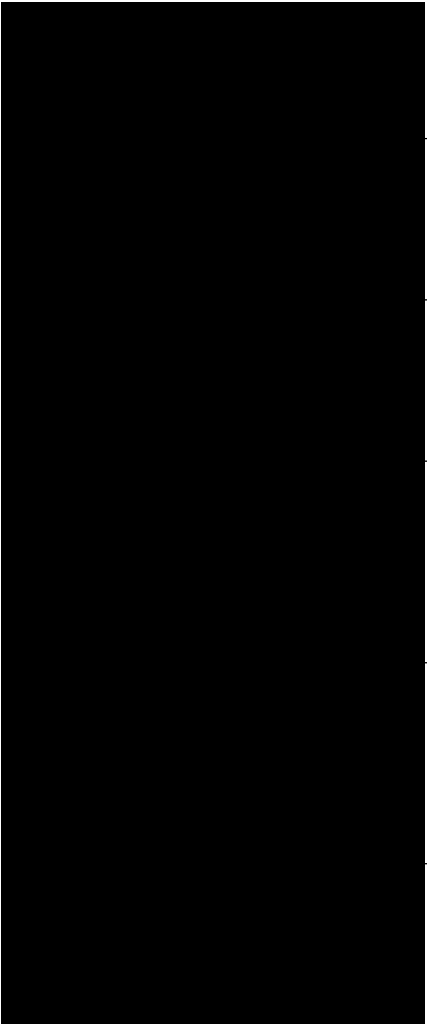
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0386	6/13/2012		ZERTO0020406- ZERTO0020407		402, 403, 802, 901	401(damages), 403 N/A, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004
PX0387			ZERTO0026800- ZERTO0026806		402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0388 and PX0497			ZERTO0043648- ZERTO0043648		402, 403, 802, 901	401(damages/infringement) , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0389	5/2/2012		ZERTO0043649- ZERTO0043649		402, 403, 602, 802, 901	401(damages/infringement) , 403N/A, 602 met, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0390 and PX0518	12/31/2012		ZERTO0050282- ZERTO0050282		402, 403, 802, 901	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)

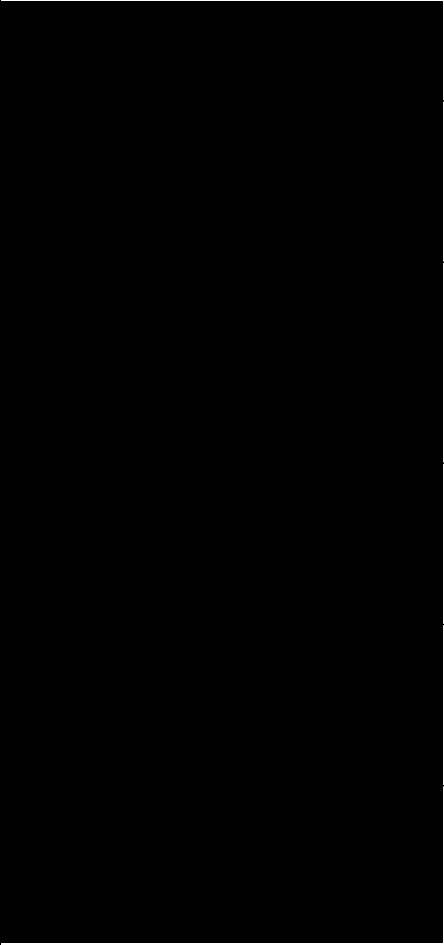
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0391	3/7/2012		ZERTO0019865- ZERTO0019866	Ziv Kedem Exhibit 31	402, 403, 602, 901	401(infringement), 403N/A, 602 met, NBCA, 901(b)
PX0392			ZERTO0020164- ZERTO0020166	Allerhand Exhibit 1	402, 403, 802, 901	401(damages), 403N/A, 803/804, 807, NBCA, 901(b)
PX0393	2014		ZERTO0021028- ZERTO0021047	Gill Exhibit 6	402, 403, 802, 901	401(damages), 403N/A, 801(d) 803/804, 807, NBCA, 901(b)
PX0394	4/2009		ZERTO0022488- ZERTO0022496	Ziv Kedem Exhibit 10	402, 403, 802, 901, 1002	401(damages), 403N/A, 801(d), 803/804, 807, not hearsay, NBCA, 901(b), 1003/1004
PX0395	7/1/2012		ZERTO0022702- ZERTO0022703	Zeiter Exhibit 2	402, 403, 802, 901, 1002	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004
PX0396	2011-2012		ZERTO0023308- ZERTO0023333	Gill Exhibit 10	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0397	7/13/2015		ZERTO0023363- ZERTO0023363	Gill Exhibit 4	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0398	2012		ZERTO0023367- ZERTO0023389	Gill Exhibit 11	402, 403, 802, 901	401(damages), 403N/A, 801(d) 803/804, 807, NBCA, 901(b)
PX0399	1/12/2015		ZERTO0023433- ZERTO0023460	Gill Exhibit 3	402, 403, 802, 901	401(damages), 403N/A, 801(d) 803/804, 807, NBCA, 901(b)
PX0400	1/13/2010		ZERTO0023469- ZERTO0023481	Ziv Kedem Exhibit 22	402, 403, 802, 901	401(damages/infringement) , 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0401	3/5/2012		ZERTO0028173- ZERTO0028173	Ziv Kedem Exhibit 32	402, 403, 602, 802, 901	401(infringement), 403N/A, 602 met, 801(d), 803/804, 807, NBCA, 901(b)
PX0402	2012		ZERTO0032950- ZERTO0033138		402, 403, 802, 901	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0403	12/31/2010		ZERTO0034071- ZERTO0034086	Allerhand Exhibit 4 Ziv Kedem Exhibit 25	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0404	6/28/2010		ZERTO0038378- ZERTO0038399	Kedem, Oded - Exhibit 6	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0405	3/25/2010		ZERTO0038614- ZERTO0038624	Ziv Kedem Exhibit 8	402, 403, 802, 901, 1002	401(damages), 403N/A, 801(d), 803/804, 807, not hearsay, NBCA, 901(b), 1003/1004
PX0406	12/31/2011		ZERTO0038773- ZERTO0038789		402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0407	3/31/2012		ZERTO0038792- ZERTO0038798		402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0408	5/18/2011		ZERTO0039075- ZERTO0039323	Allerhand Exhibit 8	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)

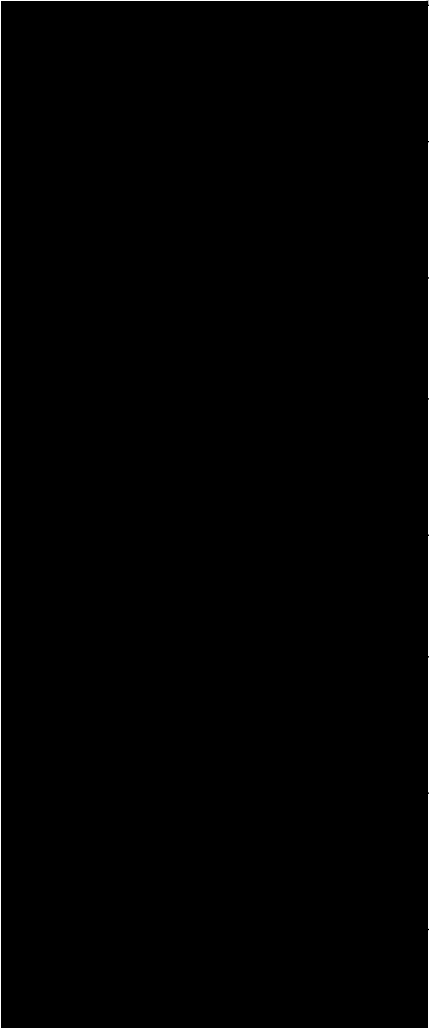
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0409	12/21/2011		ZERTO0039327- ZERTO0039327	Allerhand Exhibit 21	402, 403, 802, 901	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0410	2012		ZERTO0039328- ZERTO0039517		402, 403, 802, 901	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0411	7/31/2011		ZERTO0040022 - ZERTO0040023 and ZERTO0021099 - ZERTO0021106	Ziv Kedem Exhibit 21	402, 403, 802, 901, 1002	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004
PX0412	12/31/2011		ZERTO0041651- ZERTO0041667	Allerhand Exhibit 5 Ziv Kedem Exhibit 26	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0413	1/1/2011		ZERTO0041668- ZERTO0041670		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0414	2/1/2011		ZERTO0041671- ZERTO0041673		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

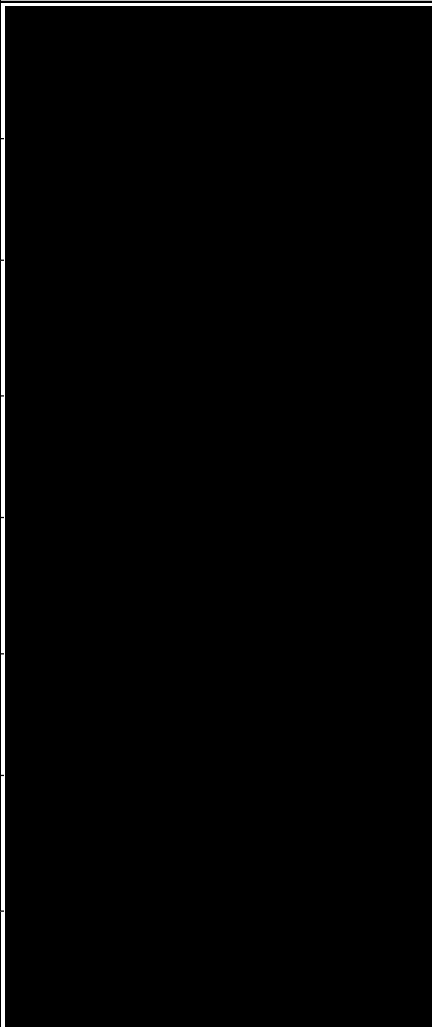
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0415	3/1/2011		ZERTO0041674- ZERTO0041676		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0416	4/1/2011		ZERTO0041677- ZERTO0041680		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0417	5/1/2011		ZERTO0041681- ZERTO0041684		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0418	6/1/2011		ZERTO0041685- ZERTO0041688		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0419	7/1/2011		ZERTO0041689- ZERTO0041692		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0420	8/1/2011		ZERTO0041693- ZERTO0041696		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0421	9/1/2011		ZERTO0041697- ZERTO0041700		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0422	10/1/2011		ZERTO0041701- ZERTO0041704		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

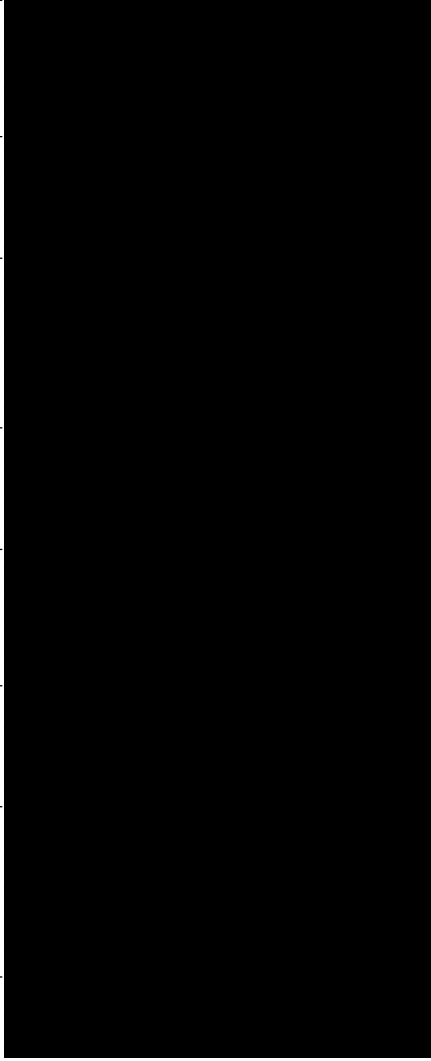
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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0423	11/1/2011		ZERTO0041705- ZERTO0041708		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0424	12/1/2011		ZERTO0041709- ZERTO0041712		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0425	12/31/2012		ZERTO0041713- ZERTO0041731	Allerhand Exhibit 6 Ziv Kedem Exhibit 27	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0426	1/1/2012		ZERTO0041732- ZERTO0041735		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0427	2/1/2012		ZERTO0041736- ZERTO0041737		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0428	2/1/2012		ZERTO0041738- ZERTO0041741		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0429	3/1/2012		ZERTO0041742- ZERTO0041745		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0430	4/1/2012		ZERTO0041746- ZERTO0041747		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0431	4/1/2012		ZERTO0041748- ZERTO0041751		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0432	5/1/2012		ZERTO0041752- ZERTO0041753		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0433	5/1/2012		ZERTO0041754- ZERTO0041757		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0434	6/1/2012		ZERTO0041758- ZERTO0041759		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0435	6/1/2012		ZERTO0041760- ZERTO0041763		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0436	7/1/2012		ZERTO0041764- ZERTO0041765		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0437	7/1/2012		ZERTO0041766- ZERTO0041769		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0438	8/1/2012		ZERTO0041770- ZERTO0041771		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

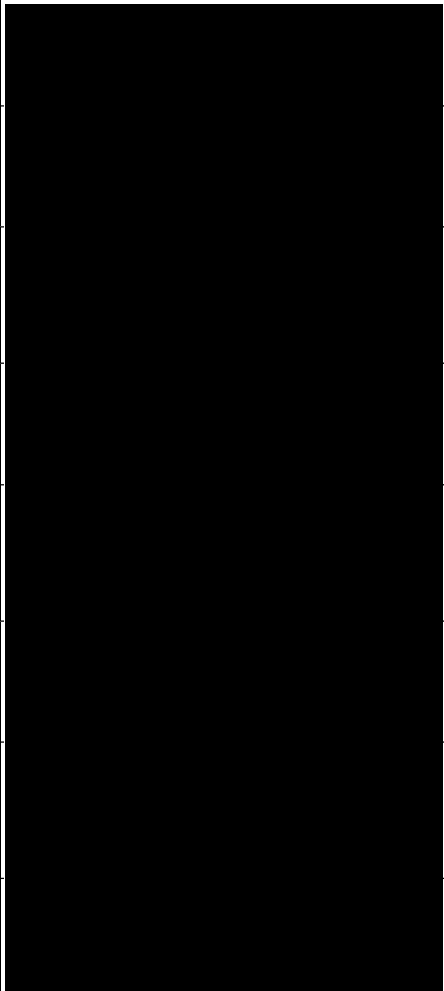
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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0439	8/1/2012		ZERTO0041772- ZERTO0041775		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0440	9/1/2012		ZERTO0041776- ZERTO0041777		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0441	9/1/2012		ZERTO0041778- ZERTO0041781		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0442	10/1/2012		ZERTO0041782- ZERTO0041783		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0443	10/1/2012		ZERTO0041784- ZERTO0041787		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0444	11/1/2012		ZERTO0041788- ZERTO0041789		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0445	11/1/2012		ZERTO0041790- ZERTO0041793		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0446	12/1/2012		ZERTO0041794- ZERTO0041795		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

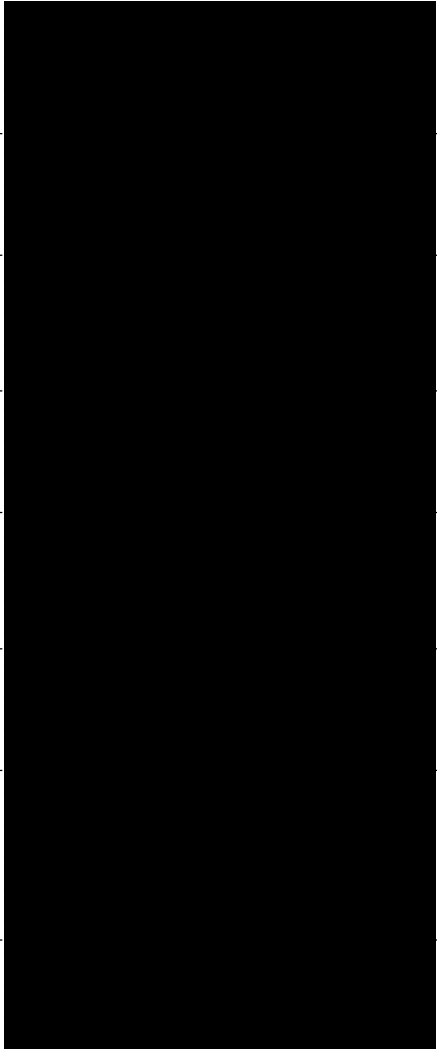
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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0447	12/1/2012		ZERTO0041796- ZERTO0041799		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0448	6/30/2012		ZERTO0041800- ZERTO0041807		402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0449	9/30/2012		ZERTO0041808- ZERTO0041815		402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0450	12/31/2013		ZERTO0041816- ZERTO0041833	Zeiter Exhibit 12 Allerhand Exhibit 7 Ziv Kedem Exhibit 28	402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0451	1/1/2013		ZERTO0041834- ZERTO0041836		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0452	1/1/2013		ZERTO0041837- ZERTO0041840		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0453	2/1/2013		ZERTO0041841- ZERTO0041844		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0454	2/1/2013		ZERTO0041845- ZERTO0041847		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0455	3/1/2013		ZERTO0041848- ZERTO0041850		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0456	3/1/2013		ZERTO0041851- ZERTO0041854		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0457	4/1/2013		ZERTO0041855- ZERTO0041857		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0458	4/1/2013		ZERTO0041858- ZERTO0041861		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0459	5/1/2013		ZERTO0041862- ZERTO0041864		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0460	5/1/2013		ZERTO0041865- ZERTO0041868		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0461	6/1/2013		ZERTO0041869- ZERTO0041871		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

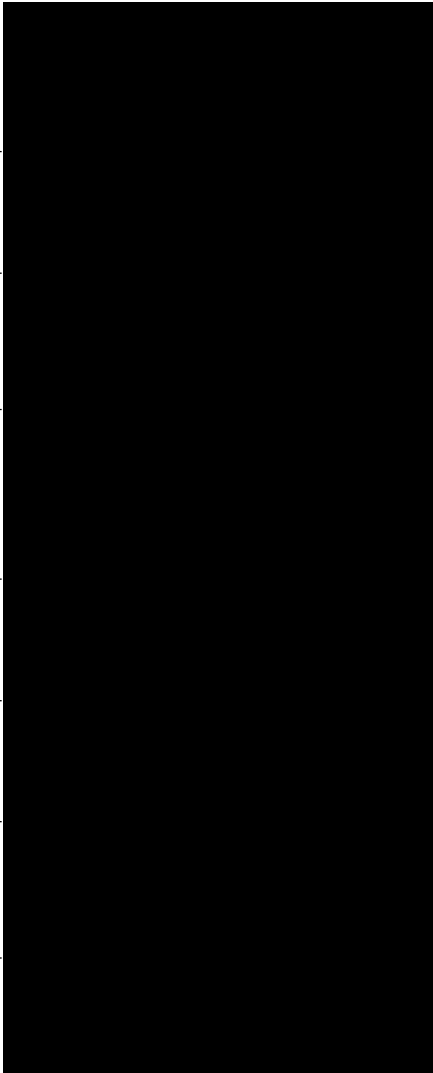
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PX0462	6/1/2013		ZERTO0041872- ZERTO0041875		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0463	7/1/2013		ZERTO0041876- ZERTO0041878		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0464	7/1/2013		ZERTO0041879- ZERTO0041882		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0465	8/1/2013		ZERTO0041883- ZERTO0041885		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0466	8/1/2013		ZERTO0041886- ZERTO0041889		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0467	9/1/2013		ZERTO0041890- ZERTO0041892		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0468	9/1/2013		ZERTO0041893- ZERTO0041896		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0469	10/1/2013		ZERTO0041897- ZERTO0041899		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0470	10/1/2013		ZERTO0041900- ZERTO0041903		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0471	11/1/2013		ZERTO0041904- ZERTO0041906		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0472	11/1/2013		ZERTO0041907- ZERTO0041910		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0473	12/13/2015		ZERTO0041911- ZERTO0041913	Zeiter Exhibit 8	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0474	12/13/2015		ZERTO0041914- ZERTO0041917	Zeiter Exhibit 11	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0475	3/31/2013		ZERTO0041918- ZERTO0041925		402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0476	6/30/2013		ZERTO0041926- ZERTO0041934		402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b)

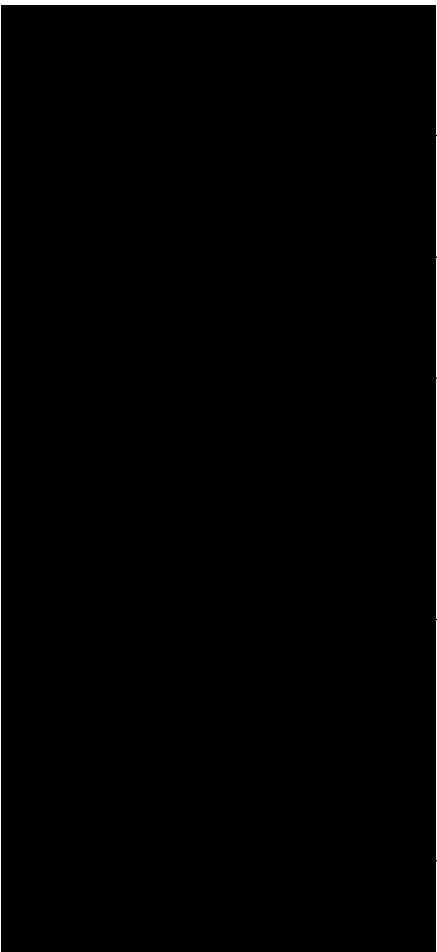
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0477	9/30/2013		ZERTO0041935- ZERTO0041942		402, 403, 901, 1002	401(damages), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0478	1/14/2015		ZERTO0041943- ZERTO0041945		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0479	1/1/2014		ZERTO0041946- ZERTO0041949		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0480	2/1/2014		ZERTO0041950- ZERTO0041953		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0481	2/1/2014		ZERTO0041954- ZERTO0041956		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0482	3/1/2014		ZERTO0041957- ZERTO0041959		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0483	3/1/2014		ZERTO0041960- ZERTO0041963		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0484	4/1/2014		ZERTO0041964- ZERTO0041966		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

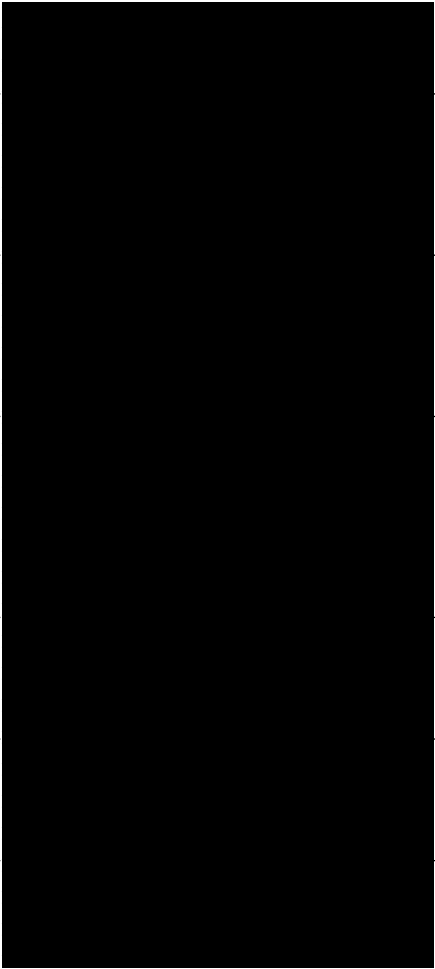
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0485	4/1/2014		ZERTO0041967- ZERTO0041970		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0486	5/1/2014		ZERTO0041971- ZERTO0041973	Zeiter Exhibit 9	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0487	5/1/2014		ZERTO0041974- ZERTO0041977		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0488	6/1/2014		ZERTO0042141- ZERTO0042143	Zeiter Exhibit 10	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0489			ZERTO0042202- ZERTO0042202		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0490	5/31/2014		ZERTO0042273- ZERTO0042273		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0491	Copyright 2013		ZERTO0042514- ZERTO0042519	Zeiter Exhibit 18	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0492	5/27/2014		ZERTO0042733- ZERTO0042734	Gill Exhibit 7	402, 403, 602, 802	401(damages), 403N/A, 602 met, 801(d), 803/804, 807

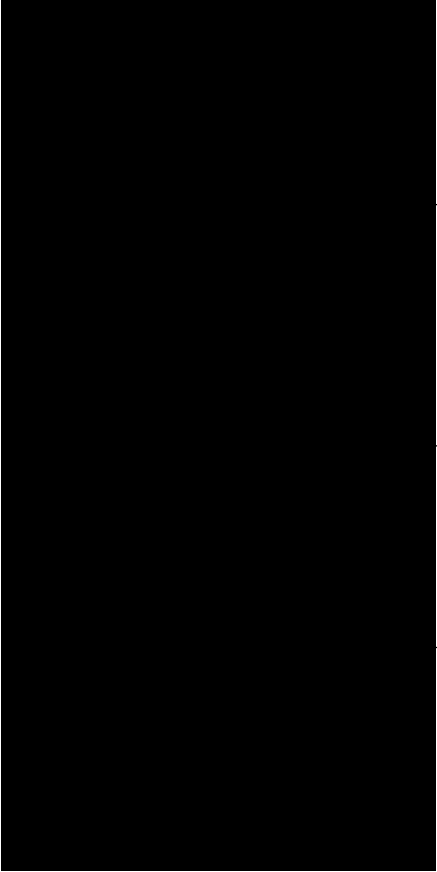
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0493	5/7/2014		ZERTO0043058 - ZERTO0043058	Zeiter Exhibit 16	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0494	2013-2014		ZERTO0043297- ZERTO0043297		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0495	2013-2014		ZERTO0043301- ZERTO0043301		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0496 DUPLICATE	4/9/2014		ZERTO0043647 and ZERTO0043649- ZERTO0043647 and ZERTO0043649	Gill Exhibit 8	402, 403, 602, 802, 901	401(damages/infringement) , 403N/A, 602 met, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0497 and PX0388	4/9/2014		ZERTO0043648- ZERTO0043648	Gill Exhibit 9 Allerhand Exhibit 16	402, 403, 802, 901	401(damages/infringement) , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0498			ZERTO0043701- ZERTO0043701		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

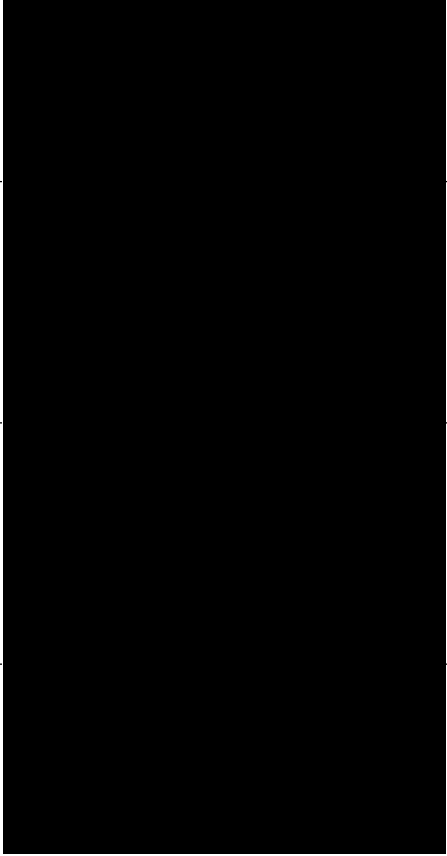
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0499			ZERTO0043769- ZERTO0043769		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0500			ZERTO0044327- ZERTO0044346	Allerhand Exhibit 19	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0501			ZERTO0045079- ZERTO0045109	Gill Exhibit 17	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0502	1/2/2014		ZERTO0046248- ZERTO0046249	Allerhand Exhibit 11	402, 403, 602, 802, 901	401(damages), 403N/A, 602 met, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0503			ZERTO0046926 - ZERTO0046926	Zeiter Exhibit 21	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0504	10/31/2013		ZERTO0047249- ZERTO0047249		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0505	10/31/2013		ZERTO0047329- ZERTO0047329		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

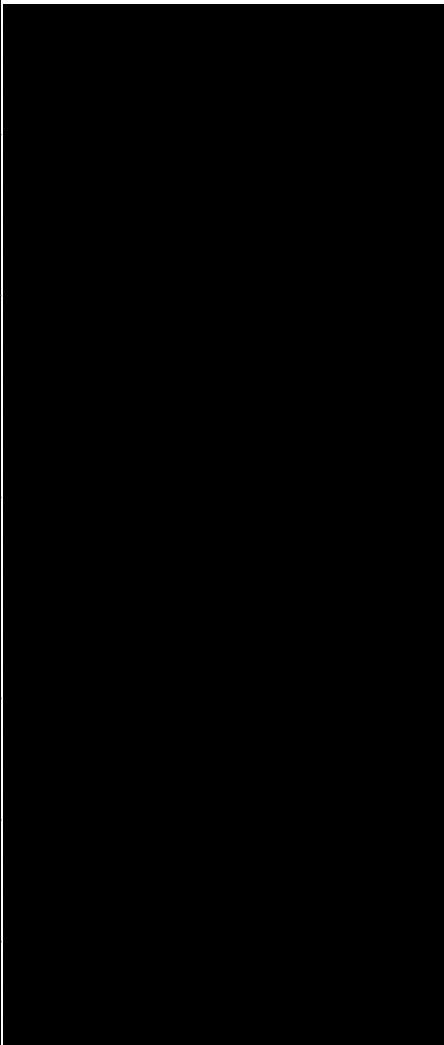
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0506	10/24/2013		ZERTO0047447- ZERTO0047554	Allerhand Exhibit 15	402, 403, 602, 802, 901	401(damages/infringement), 403N/A, 602 met, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0507	7/2/2013		ZERTO0047449- ZERTO0047450		402, 403, 802, 901	401(damages/infringement), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b).
PX0508	12/31/2012		ZERTO0047451- ZERTO0047554	Ziv Kedem Exhibit 15	402, 403, 901, 1002	401(damages/infringement), 403N/A, 703, NBCA, 901(b), 1003/1004
PX0509	10/20/2013		ZERTO0047750 and ZERTO0052145	Allerhand Exhibit 31	402, 403, 602, 802, 901	401(damages/infringement), 403N/A, 602 met, 703, 801(d), 803/804, 807, NBCA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0510			ZERTO0048159- ZERTO0048159		402, 403, 802, 901	401(damages/infringement , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)\
PX0511			ZERTO0048225- ZERTO0048225		402, 403, 802, 901	401(damages/infringement , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0512			ZERTO0048301 - ZERTO0048301	Zeiter Exhibit 20 Allerhand Exhibit 17	402, 403, 802, 901	401(damages/infringement , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0513			ZERTO0048990- ZERTO0048990		402, 403, 802, 901	401(damages/infringement , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)

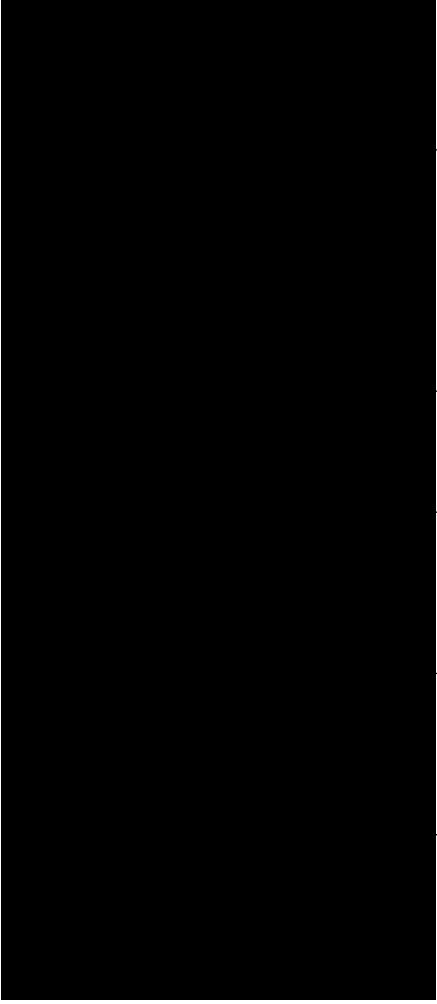
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0514	5/31/2013		ZERTO0049473- ZERTO0049473	Gill Exhibit 20	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0515			ZERTO0049474- ZERTO0049526	Gill Exhibit 19	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0516	4/23/2013		ZERTO0050019- ZERTO0050022	Allerhand Exhibit 2	402, 403, 602, 802, 901	401(damages), 403N/A, 602 met, 801(d), 803/804, 807, NBCA, 901(b)
PX0517	4/18/2013		ZERTO0050280- ZERTO0050281	Allerhand Exhibit 14 Ziv Kedem Exhibit 13	402, 403, 602, 802, 901	401(damages), 403N/A, 602 met, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0518 and PX0390	12/31/2012		ZERTO0050282- ZERTO0050282		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0519	2013-2015		ZERTO0050530- ZERTO0050530		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0520			ZERTO0052112- ZERTO0052112		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

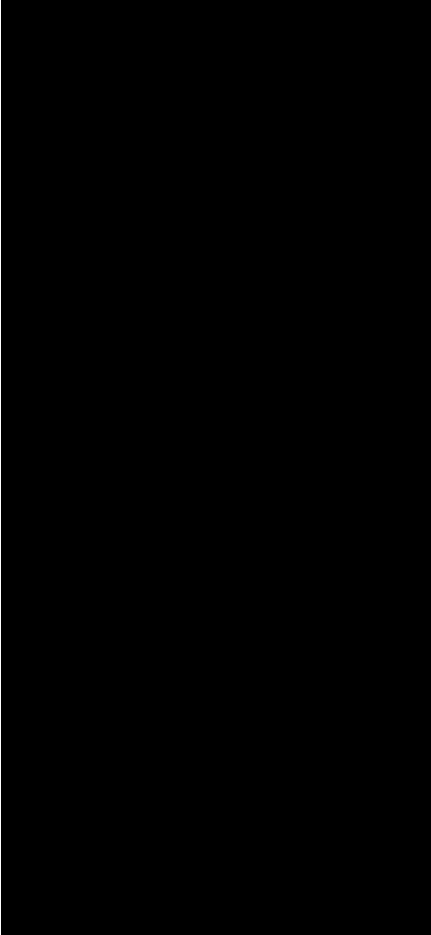
**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0521	12/30/2012		ZERTO0052129- ZERTO0052130	Allerhand Exhibit 35	402, 403, 602, 802, 901	401(damages), 403N/A, 602 met, 703, 801(d),803/804, 807, NBCA, 901(b).
PX0522			ZERTO0052145- ZERTO0052145		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0523	2013-2015		ZERTO0052147- ZERTO0052147		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0524	2012-2013		ZERTO0052251- ZERTO0052251		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0525	10/19/2012		ZERTO0053040- ZERTO0053040	Allerhand Exhibit 20	402, 403, 802, 901	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0526	2013		ZERTO0053052- ZERTO0053052	Allerhand Exhibit 20	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

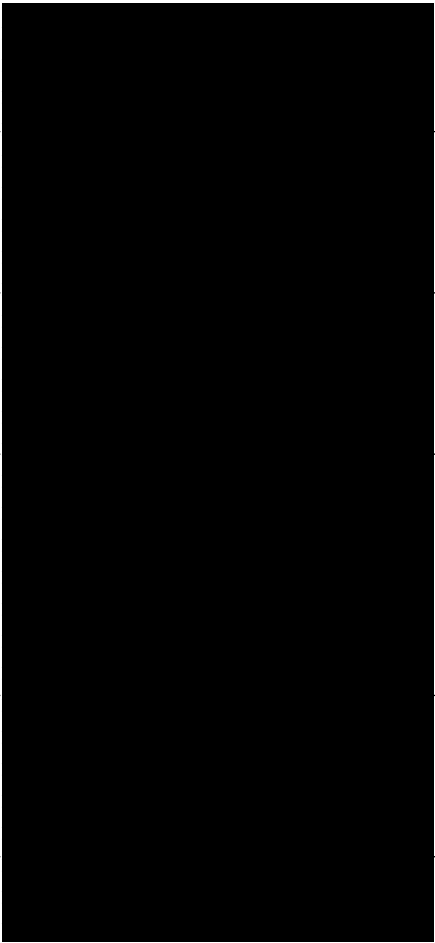
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0527	10/1/2012		ZERTO0053146- ZERTO0053146		402, 403, 802, 901	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0528	10/1/2012		ZERTO0053147- ZERTO0053180		402, 403, 602, 802, 901, 1002	401(damages), 403N/A, 602 met, 703, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004
PX0529	2014		ZERTO0053662- ZERTO0053662		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0530	12/9/2013		ZERTO0053691- ZERTO0053692	Ziv Kedem Exhibit 16	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0531			ZERTO0054179- ZERTO0054419		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0532			ZERTO0054422- ZERTO0054423		402, 403, 802, 901, 1002	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b), 1003/1004

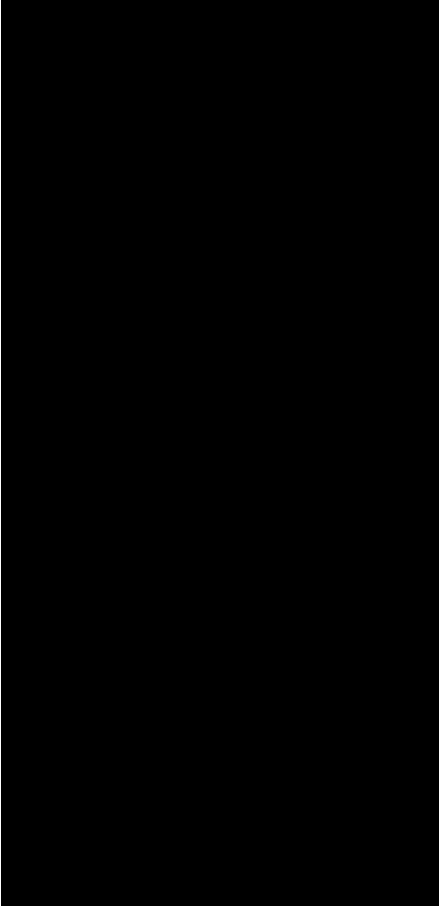
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0533			ZERTO0054634- ZERTO0054772		402, 403, 802, 901	401(damages/infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0534			ZERTO0055506- ZERTO0055514		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0535			ZERTO0055518- ZERTO0055519		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0536			ZERTO0055528- ZERTO0055530		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0537	5/26/2014		ZERTO0055538- ZERTO0055543	Ziv Kedem Exhibit 46	402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0538			ZERTO0055544- ZERTO0055567		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)

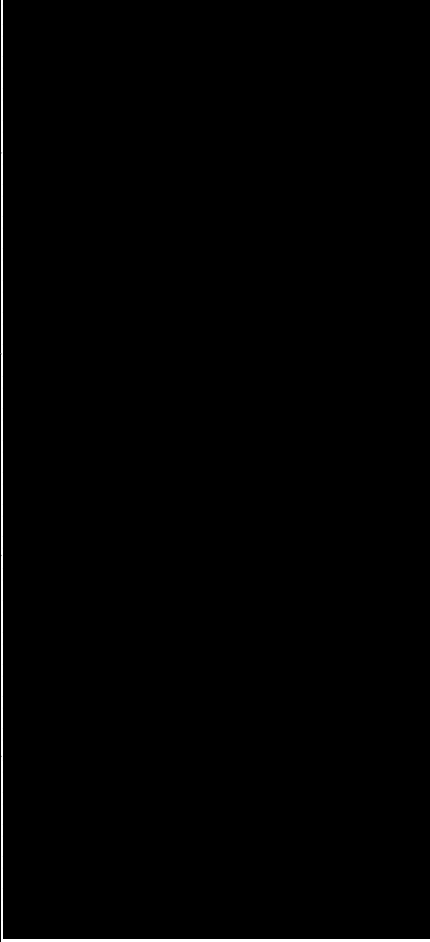
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PX0539			ZERTO0055570- ZERTO0055576		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0540			ZERTO0055577- ZERTO0055693		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0541			ZERTO0055838- ZERTO0055903		402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0542	5/26/2014		ZERTO0055976- ZERTO0056270	Zeiter Exhibit 30 Gill Exhibit 21 Ziv Kedem Exhibit 39 Kedem, Oded - Exhibit 9 Jestice Exhibit 22 Zadok Exhibit 3	402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0543	5/26/2014		ZERTO0056271- ZERTO0056312	Ziv Kedem Exhibit 45	402, 403, 802, 901	401(infringement), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b)
PX0544	11/1/2014		ZERTO0056313- ZERTO0056313		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)

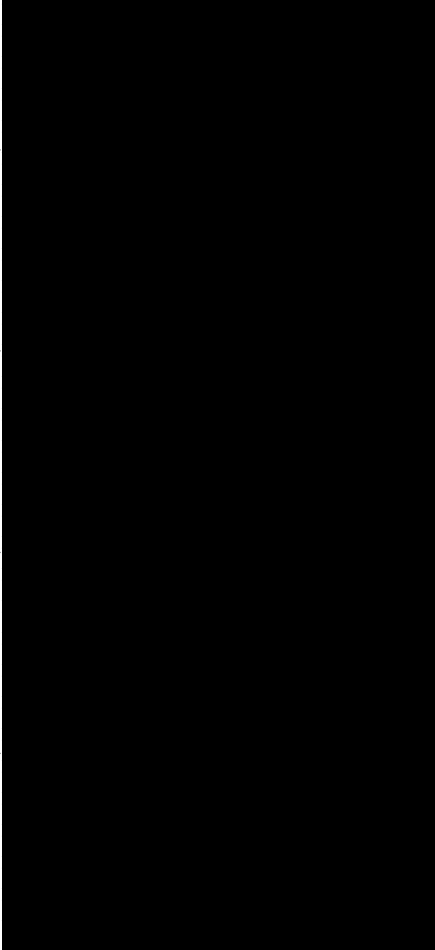
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0545	11/1/2014		ZERTO0056314- ZERTO0056314		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0546	6/1/2013		ZERTO0060481- ZERTO0060486	Allerhand Exhibit 9 Ziv Kedem Exhibit 19	402, 403, 802, 901, 1002	401(damages), 403N/A, 801(d), 803/804, 807, not hearsay, NBCA, 901(b), 1003/1004
PX0547	pg. 1 - copyright 2012 pgs 2-3 - copyright 2013		ZERTOLTD0000821- ZERTOLTD0000823	Zeiter Exhibit 19 Gill Exhibit 13	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, 703, NBCA, 901(b).
PX0548			ZERTOLTD0007121- ZERTOLTD0007124		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0549			ZERTOLTD0007125- ZERTOLTD0007126		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

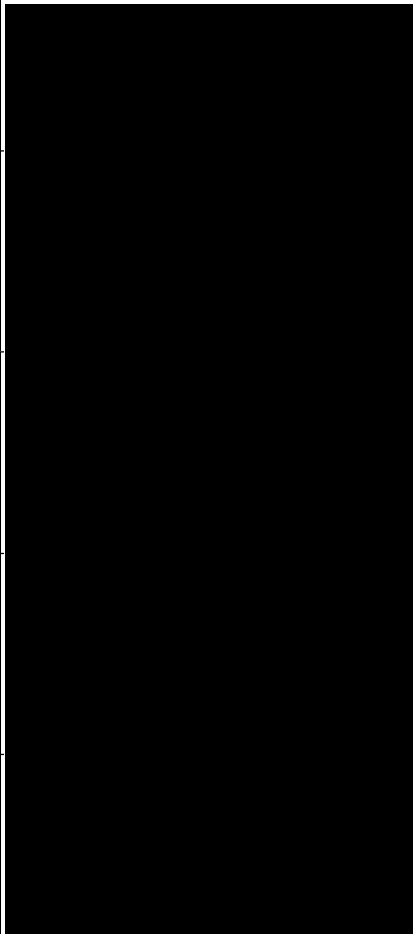
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PX0550			ZERTOLTD0007127- ZERTOLTD0007130		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0551			ZERTOLTD0007131- ZERTOLTD0007134		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0552			ZERTOLTD0007135- ZERTOLTD0007139	Zeiter Exhibit 7 Gill Exhibit 1	402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0553			ZERTOLTD0007140- ZERTOLTD0007143		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0554			ZERTOLTD0007144- ZERTOLTD0007148		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

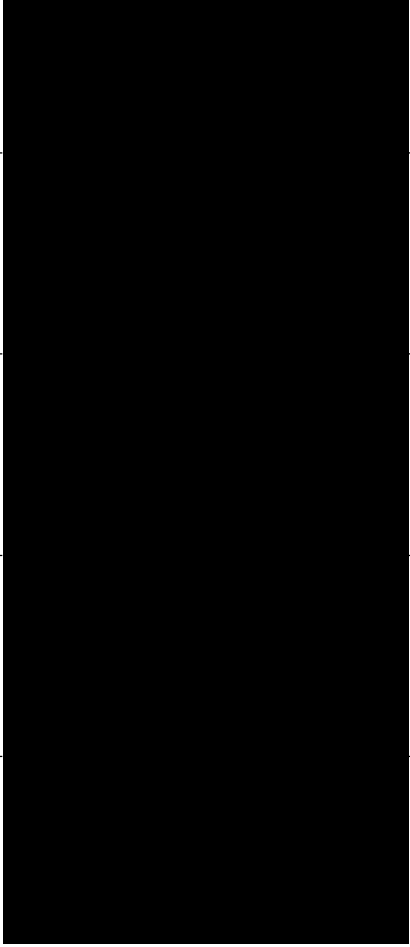
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0555			ZERTOLTD0007149- ZERTOLTD0007151		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0556			ZERTOLTD0007152- ZERTOLTD0007155		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0557			ZERTOLTD0007156- ZERTOLTD0007160		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0558			ZERTOLTD0007161- ZERTOLTD0007163		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0559			ZERTOLTD0007164- ZERTOLTD0007167		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

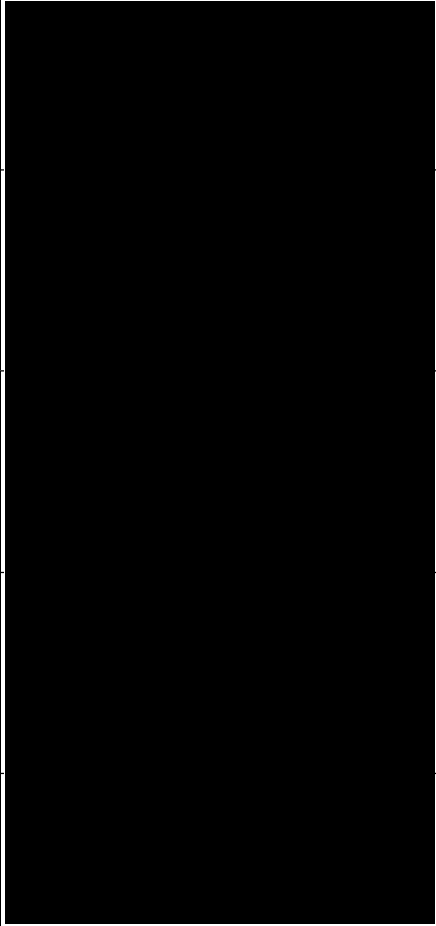
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0560			ZERTOLTD0007168- ZERTOLTD0007173		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0561			ZERTOLTD0007174- ZERTOLTD0007178		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0562			ZERTOLTD0007179- ZERTOLTD0007181		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0563			ZERTOLTD0007182- ZERTOLTD0007187		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0564			ZERTOLTD0007188- ZERTOLTD0007191		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

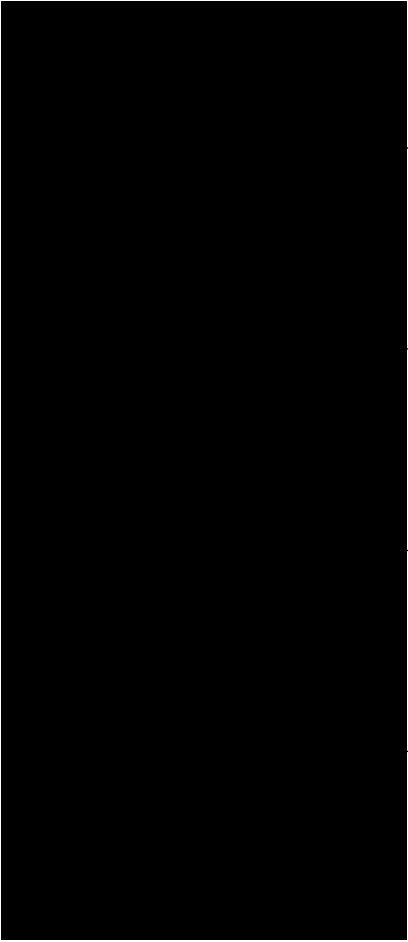
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PX0565			ZERTOLTD0007192- ZERTOLTD0007193		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0566			ZERTOLTD0007194- ZERTOLTD0007195		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0567			ZERTOLTD0007196- ZERTOLTD0007200		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0568			ZERTOLTD0007201- ZERTOLTD0007202		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0569			ZERTOLTD0007203- ZERTOLTD0007204		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

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PX0570			ZERTOLTD0007205- ZERTOLTD0007206		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0571			ZERTOLTD0007207- ZERTOLTD0007209		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0572			ZERTOLTD0007210- ZERTOLTD0007212		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0573			ZERTOLTD0007213- ZERTOLTD0007216		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0574			ZERTOLTD0007217- ZERTOLTD0007220		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

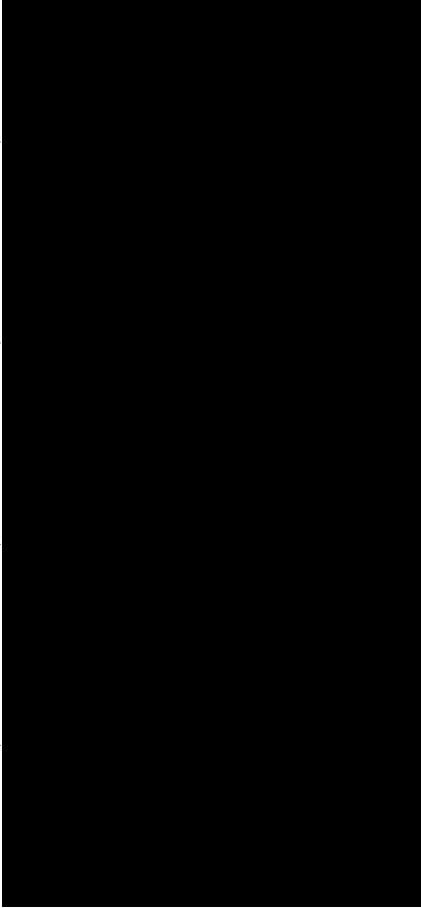
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PX0575			ZERTOLTD0007221- ZERTOLTD0007223		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0576			ZERTOLTD0007224- ZERTOLTD0007226		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0577			ZERTOLTD0007227- ZERTOLTD0007230		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0578			ZERTOLTD0007231- ZERTOLTD0007232		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0579			ZERTOLTD0007233- ZERTOLTD0007235		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

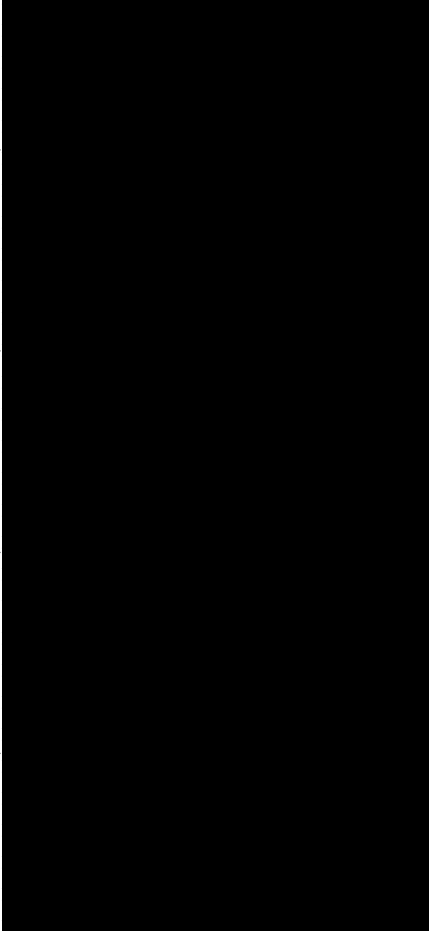
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0580		Customer Satisfaction Survey - MSU	ZERTOLTD0007236- ZERTOLTD0007239		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0581		Customer Satisfaction Survey - NRC	ZERTOLTD0007240- ZERTOLTD0007242		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0582		Customer Satisfaction Survey - Pharmavite	ZERTOLTD0007243- ZERTOLTD0007246		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0583		Customer Satisfaction Survey - Sanchez	ZERTOLTD0007247- ZERTOLTD0007248		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0584		Customer Satisfaction Survey - Seoul Daily News	ZERTOLTD0007249- ZERTOLTD0007252		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

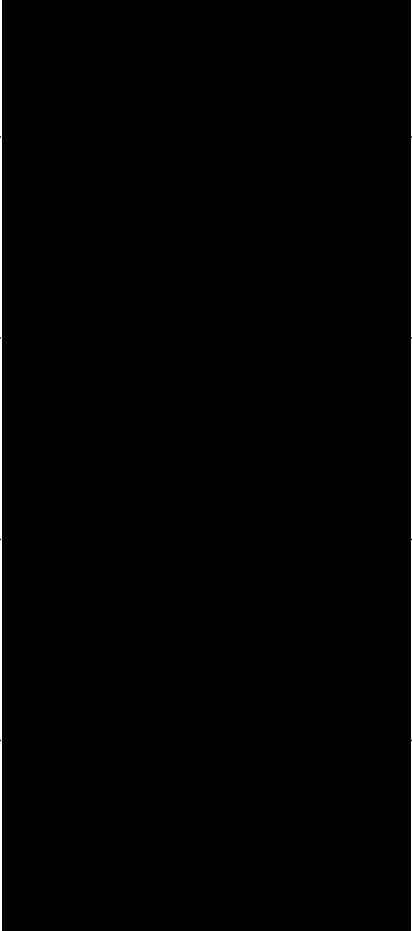
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PX0585			ZERTOLTD0007253- ZERTOLTD0007254		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0586			ZERTOLTD0007255- ZERTOLTD0007258		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0587			ZERTOLTD0007259- ZERTOLTD0007260		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0588			ZERTOLTD0007261- ZERTOLTD0007264		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0589			ZERTOLTD0007265- ZERTOLTD0007267		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

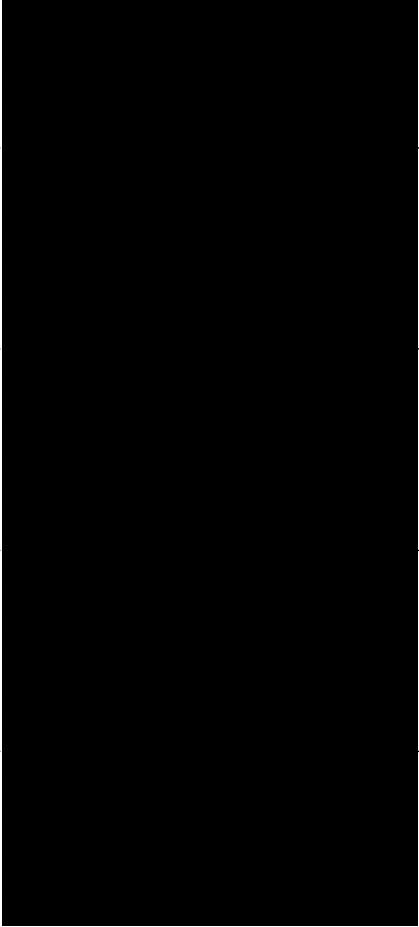
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PX0590			ZERTOLTD0007268- ZERTOLTD0007271		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0591			ZERTOLTD0007272- ZERTOLTD0007274		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0592			ZERTOLTD0007275- ZERTOLTD0007278		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0593			ZERTOLTD0007279- ZERTOLTD0007281		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0594			ZERTOLTD0007282- ZERTOLTD0007284		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

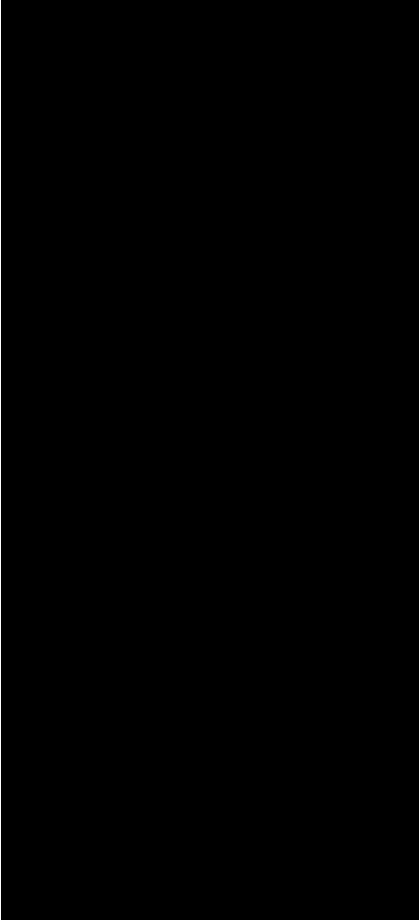
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PX0595			ZERTOLTD0007285- ZERTOLTD0007288		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0596			ZERTOLTD0007289- ZERTOLTD0007291		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0597			ZERTOLTD0007292- ZERTOLTD0007295		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0598			ZERTOLTD0007296- ZERTOLTD0007299		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0599			ZERTOLTD0007300- ZERTOLTD0007303		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

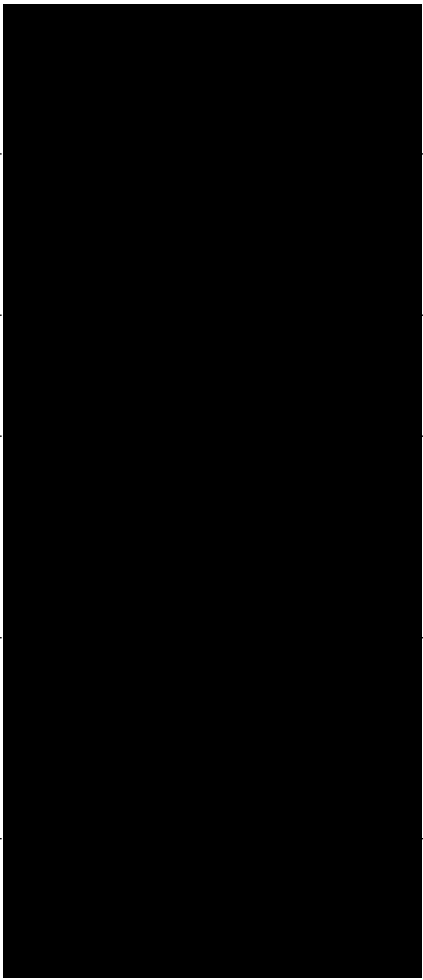
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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0600			ZERTOLTD0007304- ZERTOLTD0007307		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0601			ZERTOLTD0007308- ZERTOLTD0007309		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0602			ZERTOLTD0007310- ZERTOLTD0007314		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0603			ZERTOLTD0007315- ZERTOLTD0007318		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0604			ZERTOLTD0007319- ZERTOLTD0007323		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

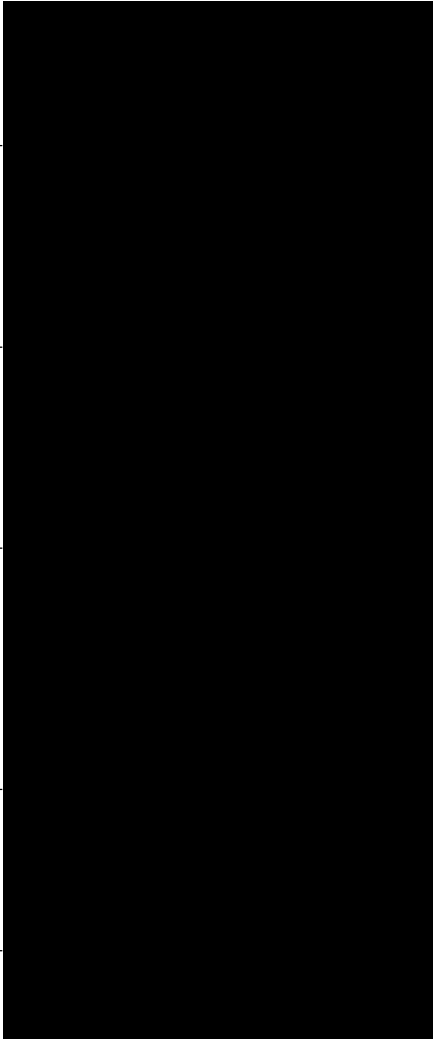
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PX0605			ZERTOLTD0007324- ZERTOLTD0007328		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0606			ZERTOLTD0007329- ZERTOLTD0007331		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0607			ZERTOLTD0007332- ZERTOLTD0007335		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0608			ZERTOLTD0007336- ZERTOLTD0007339		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0609			ZERTOLTD0007340- ZERTOLTD0007345		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA

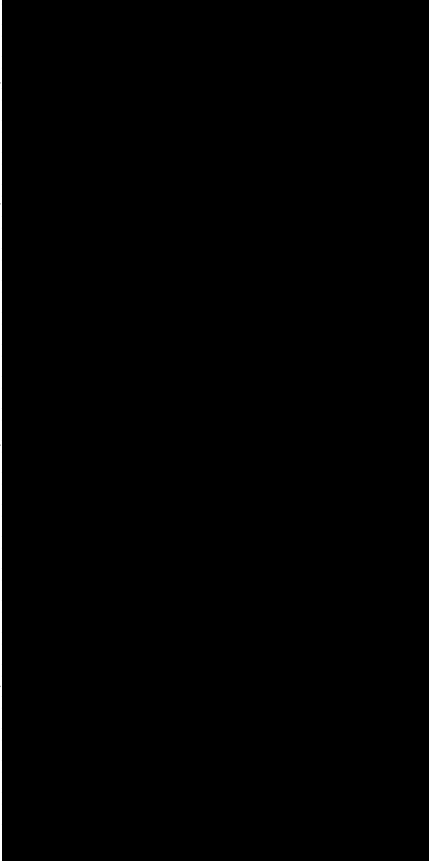
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PX0610			ZERTOLTD0007346- ZERTOLTD0007350		402, 403, 802, 901	401(infringement/damages), 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA
PX0611	2014		ZERTOLTD0007375- ZERTOLTD0007382	Zeiter Exhibit 3	402, 403, 802, 901	401(damages), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0612	2014		ZERTOLTD0007552- ZERTOLTD0007552	Zeiter Exhibit 13	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0613			ZERTOLTD0007858- ZERTOLTD0007868		402, 403, 802, 901	401(infringement), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0614	10/2/2013		ZERTOLTD0009496- ZERTOLTD0009565	Jestice Exhibit 23	402, 403, 802, 901, 1002	401(infringement), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004
PX0615			ZERTOLTD0009924- ZERTOLTD0009937	Ziv Kedem Exhibit 11	402, 403, 901	401(damages/infringement), 403N/A, 703, NBCA, 901(b)

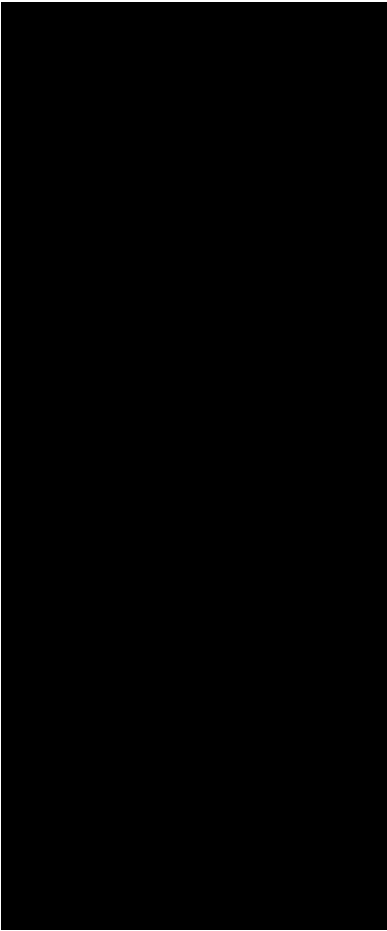
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PX0616	5/17/2011		ZERTOLTD0009938- ZERTOLTD0009941	Allerhand Exhibit 10	402, 403, 901	401(damages/infringement), 403N/A, 703, NBCA, 901(b)
PX0617	2/27/2014		ZERTOLTD0010163- ZERTOLTD0010163	Zeiter Exhibit 1 Ziv Kedem Exhibit 17 Allerhand Exhibit 3	402, 403, 802, 901	401(damages/infringement), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0618	10/31/2013		ZERTOLTD0010166- ZERTOLTD0010167	Allerhand Exhibit 32	402, 403, 802, 901	401(damages/infringement), 403N/A, 801(d), 803/804, 807, NBCA, 901(b)
PX0619	5/17/2011		ZERTOLTD0010232- ZERTOLTD0010232	Allerhand Exhibit 33	402, 403, 802, 901, 1002	401(damages/infringement), 403N/A, 801(d), 803/804, 807, not hearsay, NBCA, 901(b), 1003/1004
PX0620	5/17/2011		ZERTOLTD0010233- ZERTOLTD0010233	Allerhand Exhibit 12	402, 403, 901, 1002	401(damages/infringement), 403N/A, NBCA, 901(b), 902, 1003/1004
PX0621	12/31/2013		ZERTOLTD0010326- ZERTOLTD0010332	Allerhand Exhibit 28 Ziv Kedem Exhibit 20	402, 403, 901	401(damages), 403N/A, NBCA, 901(b)

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PX0622	2014		ZERTOLTD0010702- ZERTOLTD0011041	Allerhand Exhibit 13 Ziv Kedem Exhibit 29	402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0623	2013		ZERTOLTD0013623- ZERTOLTD0013623		402, 403, 901	401(damages), 403N/A, 703, NBCA, 901(b)
PX0624			ZERTOLTD0016287- ZERTOLTD0016294		402, 403, 802, 901	401(damages/infringement , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0625 DUPLICATE			ZERTOLTD0016328- ZERTOLTD0016332		402, 403, 802, 901	401(damages/infringement , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0626	2014-2016		ZERTOLTD0016333- ZERTOLTD0016335		402, 403, 802, 901	401(damages/infringement , 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0627	3/2011		ZERTOLTD0017670- ZERTOLTD0017681	Ziv Kedem Exhibit 38 Kedem, Oded Exhibit 12	402, 403, 802, 901	401(damages/infringement), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b)
PX0628			ZERTO_SC_004171- ZERTO_SC_004204	Kedem, Oded Exhibit 7	106, 402, 403, 802, 901	401(infringement); 403 N/A, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0629			ZERTO_SC_004228- ZERTO_SC_004276	Kedem, Oded Exhibit 8	106, 402, 403, 802, 901	401(infringement); 403 N/A, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0630			ZERTO_SC_004437- ZERTO_SC_004544	Kedem, Oded Exhibit 5	106, 402, 403, 802, 901	401(infringement); 403 N/A, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0631			ZERTO_SC_004971- ZERTO_SC_004981	Kedem, Oded Exhibit 2	106, 402, 403, 802, 901	401(infringement); 403 N/A, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0632	7/19/2013	D.I. 102-1 – 102-3 – Ex. A – Zerto Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,577,867 (IPR2013-00458).			402, 403, 802, 901	401(validity), 403N/A, 801(d), 803/804, 807, 901(b), NBCA
PX0633	7/19/2013	D.I. 102-4 – Ex. B – Exhibit 1004 to Zerto, Inc.'s Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,577,867 (IPR2013-00458).			402, 403, 901	401(validity), 403N/A, 901(b), NBCA
PX0634	10/24/2013	D.I. 102-4 – Ex. C – Preliminary Patent Owner Response to Zerto, Inc.'s Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,577,867 (IPR2013-00458).			402, 403, 802, 901	401(validity), 403N/A, 803/804, 807, 901(b), NBCA
PX0635	1/16/2014	D.I. 102-4 – Ex. D. – Patent Trial and Appeal Board's Decision Denying Institution of <i>Inter Partes</i> review in IPR2013-00458.			402, 403, 901	401(inequitable conduct/validity), 403N/A, 901(b), NBCA
PX0636	11/26/2013	D.I. 102-4 – Ex. E – Letter from M. Lowrie to E. Walsh regarding IPR2013-00458.			402, 403, 802, 901	401(validity), 403N/A, 801(d), 803/804, 807, 901(b), NBCA
PX0637	12/12/2013	D.I. 102-4 – Ex. F – Letter from E. Walsh to M. Lowrie regarding IPR2013-00458.			402, 403, 802, 901	401(validity), 403N/A, 801(d), 803/804, 807, 901(b), NBCA



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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0638	12/18/2013	D.I. 102-4 – Ex. G – Email from J. Lanza to the Patent Trial and Appeal Board regarding IPR2013-00458.			402, 403, 802, 901	401(validity), 403N/A, 801(d), 803/804, 807, 901(b), NBCA
PX0639	12/20/2014	D.I. 102-4 – Ex. H – Patent Trial and Appeal Board's Order on Conduct of the Proceeding in IPR201300458.			402, 403, 901	401(validity), 403N/A, 901(b), NBCA
PX0640	5/3/2004	D.I. 118-1 – Ex. D – EMC Memo of Points and Authorities in support of its motion for partial summary judgment that neither allegedly insufficient fees nor an allegedly false terminal disclaimer can, as a matter of law, given rise to invalidity of the patents-in-suit, which EMC filed on May 3, 2004 in Legato Systems, Inc. v. Columbia Data Products, Inc., 2:01-cv-00312-TC (D. Utah).			106, 402, 403, 901	401(validity), 403N/A, 901(b), NBCA
PX0641	6/25/2004	D.I. 118-1 – Ex. E – EMC's reply memorandum of points and authorities in support of its motion for partial summary judgment that neither allegedly insufficient fees nor an allegedly false terminal disclaimer can, as a matter of law, given rise to invalidity of the patents-in-suit, which EMC filed on May 3, 2004 in Legato Systems, Inc. v. Columbia Data Products, Inc., 2:01-cv-00312-TC (D. Utah).			106, 402, 403, 901	Exhibit is complete, 401(validity), 403N/A, 901(b), NBCA

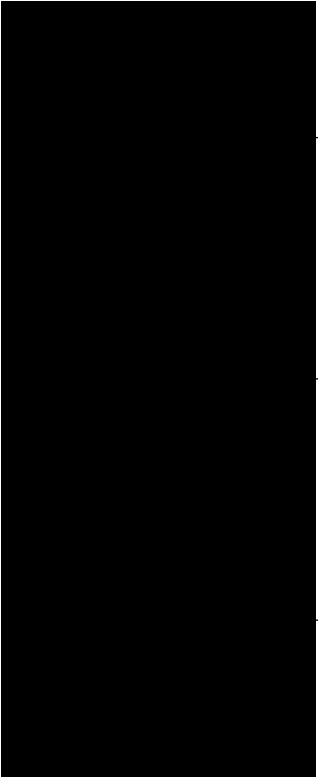
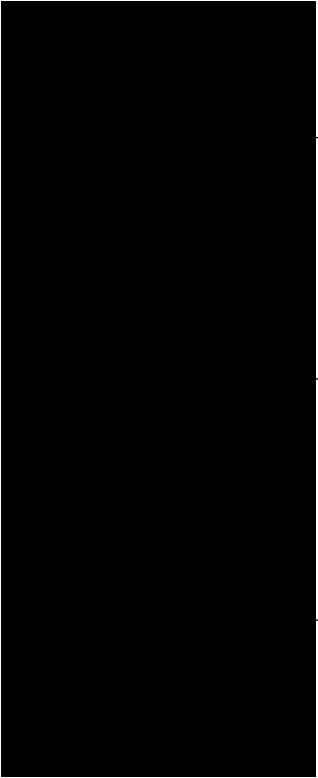
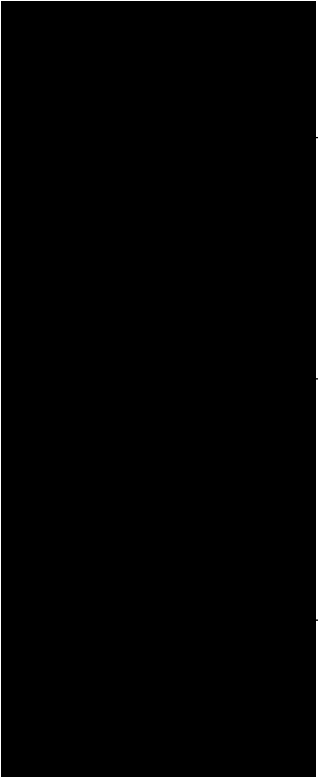
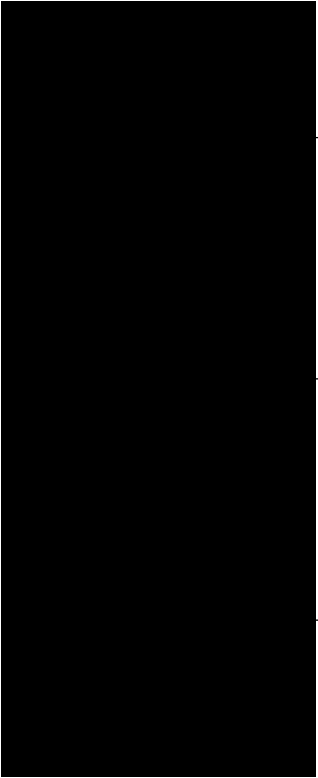
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PX0642	8/4/2004	D.I. 118-1 – Ex. F – Court Order granting EMC's motion for partial summary judgment that neither allegedly insufficient fees nor an allegedly false terminal disclaimer can, as a matter of law, given rise to invalidity of the patents-in-suit, which the Court issued on August 13, 2004 in <i>Legato Systems, Inc. v. Columbia Data Products, Inc.</i> , 2:01-cv-00312-TC (D. Utah).			106, 402, 403, 901	Exhibit is complete, 401(validity), 403N/A, 901(b), NBCA
PX0643	12/6/2007	D.I. 118-1 – Ex. I - December 6, 2007 Maintenance Fee Statement for U.S. Patent No. 6,073,222.			402, 403, 901	401(validity), 403N/A, 901(b), NBCA
PX0644	9/23/2011	D.I. 118-1 – Ex. J - September 23, 2011 Maintenance Fee Statement for U.S. Patent No. 6,073,222.			402, 403, 901	401(validity), 403N/A, 901(b), NBCA
PX0645		D.I. 118-1 – Ex. K - Patent Application Information Retrieval transaction history for U.S. Patent No. 5,934,909.			402, 403, 901, 1002	401(validity), 403N/A, 901(b), NBCA, 1003/1004
PX0646	8/10/2004	D.I. 118-1 – Ex. L - disclaimer notice for U.S. Patent No. 5,975,410 that was published in the August 10, 2004 Official Gazette			402, 403, 901, 1002	401(validity), 403N/A, 901(b), 902, NBCA, 1003/1004
PX0647	11/8/2005	D.I. 118-1 – Ex. M - Disclaimer Notice for US Patent No 6342073 published in the November 8, 2005 Official Gazette.			402, 403, 901, 1002	401(validity), 403N/A, 901(b), 902, NBCA, 1003/1004

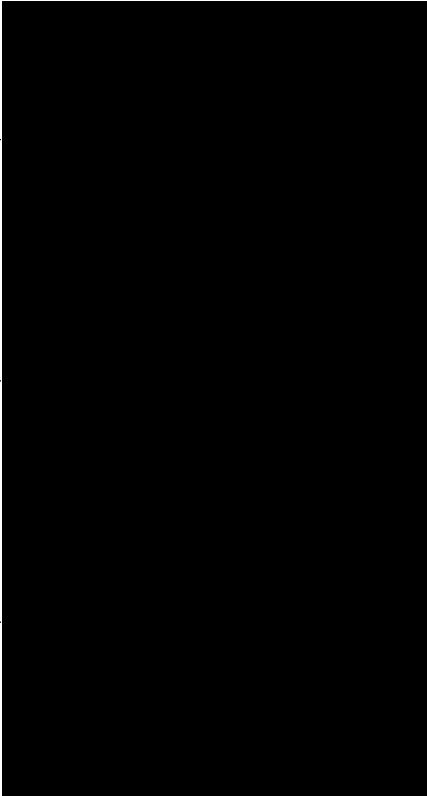
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PX0648	8/29/2014	D.I. 147-1 - Ex. 1 - Order Summary from the USPTO for Order No 7486492 re file histories including U.S. Patent No. 6,073,222 on July 9, 2014			901	901(b), NBCA
PX0649	5/3/2004	D.I. 147-1 - Ex. 2 - May 3 2004 Terminal Disclaimer for U.S. Patent No. 6,073,222			901	901(b), 902, NBCA
PX0650	8/29/2014	D.I. 147-1 - Ex. 3 - August 29 2014 Email from R. Coates-White of USPTO			802, 901	803/804, 807, 807, NCBA, 901(b)
PX0651	8/29/2014	D.I. 147-1 - Ex. 4 - USPS tracking report for tracking number 1Z4XA5984247752620 - delivered to Boston MA on August 29, 2014			901, UPS not USPS	901(b), NBCA
PX0652			ZERTO_SC_001654- ZERTO_SC_001657		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0653			ZERTO_SC_004171- ZERTO_SC_004204		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

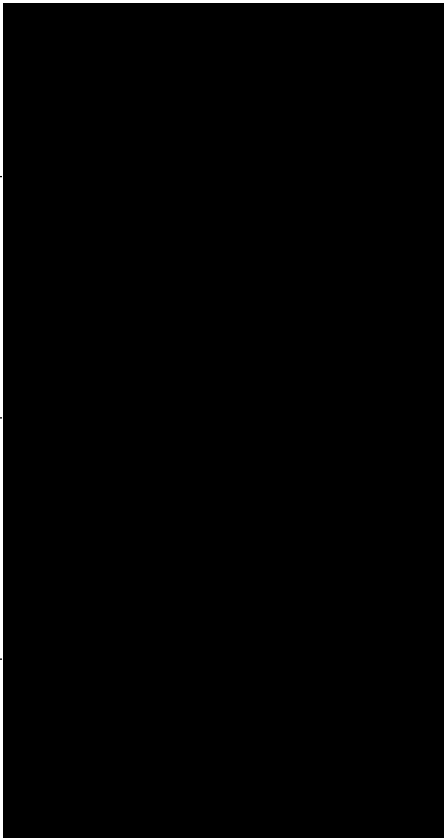
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PX0654			ZERTO_SC_004205- ZERTO_SC_004227		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0655			ZERTO_SC_004228- ZERTO_SC_004276		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0656			ZERTO_SC_004277- ZERTO_SC_004312		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0657			ZERTO_SC_004313- ZERTO_SC_004314		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

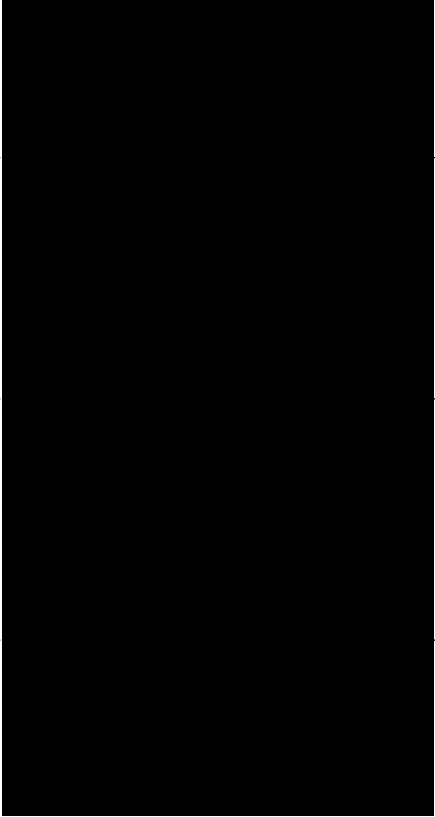
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PX0658			ZERTO_SC_004315- ZERTO_SC_004333		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0659			ZERTO_SC_004334- ZERTO_SC_004352		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0660			ZERTO_SC_004353- ZERTO_SC_004364		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0661			ZERTO_SC_004365- ZERTO_SC_004436		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

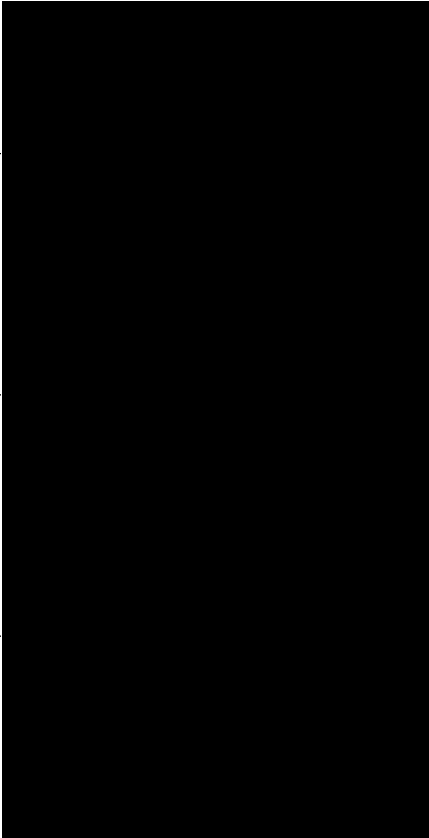
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PX0662			ZERTO_SC_004437- ZERTO_SC_004544		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0663			ZERTO_SC_004545- ZERTO_SC_004552		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0664			ZERTO_SC_004553- ZERTO_SC_004611		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0665			ZERTO_SC_004612- ZERTO_SC_004663		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

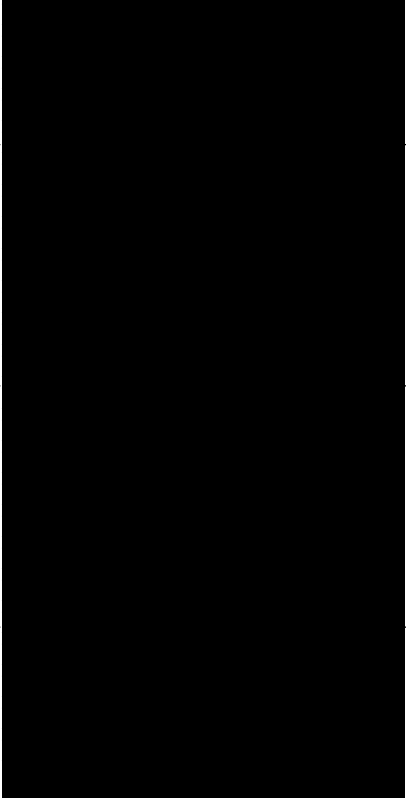
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PX0666			ZERTO_SC_004664- ZERTO_SC_004677		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0667			ZERTO_SC_004678- ZERTO_SC_004707		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0668			ZERTO_SC_004708- ZERTO_SC_004739		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0669			ZERTO_SC_004740- ZERTO_SC_004743		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

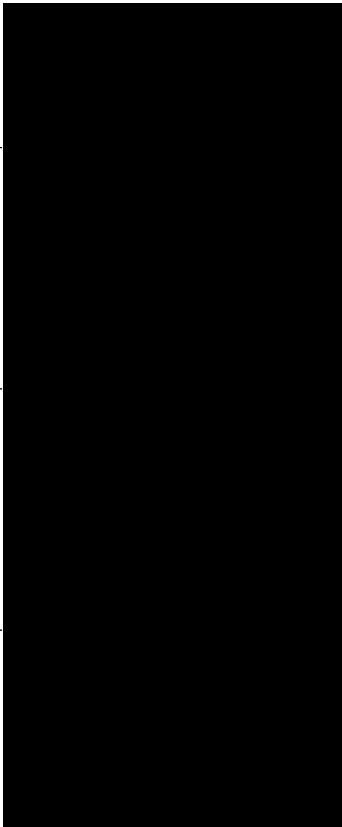
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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0670			ZERTO_SC_004744- ZERTO_SC_004751		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0671			ZERTO_SC_004752- ZERTO_SC_004767		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0672			ZERTO_SC_004768- ZERTO_SC_004817		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0673			ZERTO_SC_004818- ZERTO_SC_004845		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

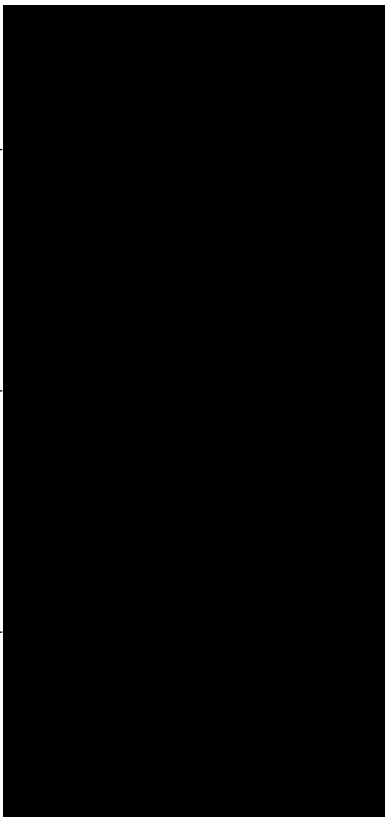
**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0674			ZERTO_SC_004846- ZERTO_SC_004878		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0675			ZERTO_SC_004879- ZERTO_SC_004883		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0676			ZERTO_SC_004884- ZERTO_SC_004890		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0677			ZERTO_SC_004891- ZERTO_SC_004902		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

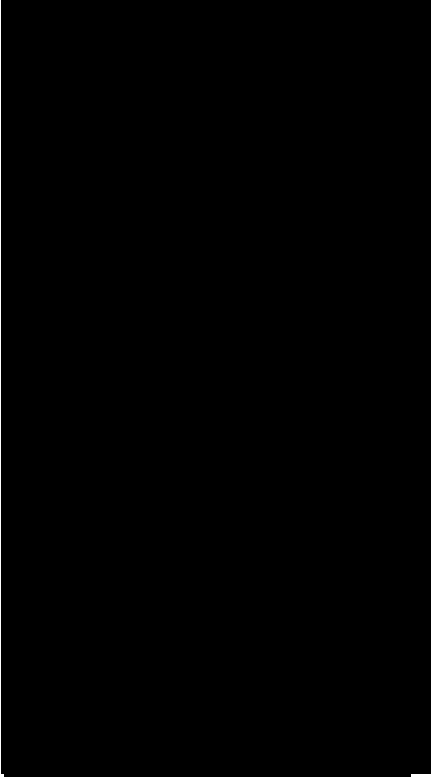
**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0678			ZERTO_SC_004903- ZERTO_SC_004923		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0679			ZERTO_SC_004924- ZERTO_SC_004955		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0680			ZERTO_SC_004956- ZERTO_SC_004970		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0681			ZERTO_SC_004971- ZERTO_SC_004981		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0682			ZERTO_SC_004982- ZERTO_SC_004985		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0683			ZERTO_SC_004986- ZERTO_SC_004991		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0684			ZERTO_SC_004992- ZERTO_SC_005009		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0685			ZERTO_SC_005010- ZERTO_SC_005013		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

SCHEDULE C-1:
EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0686			ZERTO_SC_005014- ZERTO_SC_005022		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0687			ZERTO_SC_005023- ZERTO_SC_005024		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0688			ZERTO_SC_005039- ZERTO_SC_005049		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay
PX0689			ZERTO_SC_005056- ZERTO_SC_005058		106, 402, 403, 802, 901	401(infringement); 403 N/A, 703, 801(d), 803/804, 807, 901(b), NBCA, Not Hearsay

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0690		Chen Burshan and Shannon Snowden Discuss Zerto Virtual Replication Advanced Features ([Full HD]).mp4	EMC_0189504 – EMC_0189504		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0691		Shannon Snowden and Chen Burshan provide an overview of Zerto Virtual Replication (HD).mp4	EMC_0189637 – EMC_0189637		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0692		2014-06-10 13.02 Master of Disaster What's new in Zerto Virtual Replication 3.5.mp4	EMC_0194690 - EMC_0194690		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0693		Hear from your Peers Disaster Recovery for Microsoft Applications 24 hours a Day.mp4	EMC_0194701 - EMC_0194701		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0694		Hear From Your Peers - Protecting SQL Server.mp4	EMC_0194702 - EMC_0194702		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA

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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0695		Hear from your Peers- Can it be- Simple Disaster Recovery is here!.mp4	EMC_0194704 - EMC_0194704		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0696		Journal and Journal Sizing Deep Dive.mp4	EMC_0194708 - EMC_0194708		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0697		Happy Holidays from Zerto.mp4	EMC_0194742 - EMC_0194742		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0698		Launchpad_ Zerto_ GigaOM Structure 2011.mp4	EMC_0194743 - EMC_0194743		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0699		Woodforest National Bank Testimonial about Zerto Virtual Replication.mp4	EMC_0194759 - EMC_0194759		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0700		Zerto Architecture.mp4	EMC_0194762 - EMC_0194762		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0701		Zerto Vision.mp4	EMC_0194775 - EMC_0194775		402, 403, 602, 802, 902, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0702		Ziv Kedem, Zerto_ GigaOM Structure 2010.mp4	EMC_0194779 - EMC_0194779		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0703		UNINTENTIONALLY LEFT BLANK				
PX0704		2013-10-10 16.12 Zerto Virtual Replication_ Technical Training 201.wmv	ZERTOLTD0000706 - ZERTOLTD0000706		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0705		ZVR 3.1 Beta Demo.mov	ZERTOLTD0000789 - ZERTOLTD0000789		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA

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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0706		Master of Disaster Series - S1E1 - Installing ZVR.mov	ZERTOLTD0007649 - ZERTOLTD0007649		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0707		Master of Disaster Series - S1E2 - Creating a VPG.mov	ZERTOLTD0007650 - ZERTOLTD0007650		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0708		Master of Disaster Series - S1E3 - Move VPG.mov	ZERTOLTD0007651 - ZERTOLTD0007651		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0709		Zerto-Basic90sec.wmv	ZERTOLTD0007653 - ZERTOLTD0007653		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0710		video loop.wmv	ZERTOLTD0007835 - ZERTOLTD0007835		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0711		2013-01-15 13.02 Zerto Virtual Replication GÇô A New Approach to Disaster Recovery.wmv	ZERTOLTD0009723 - ZERTOLTD0009723		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0712		2013-03-12 13.05 Hear from your Peers_ University of Louisville Physicians talks DR.wmv	ZERTOLTD0009725 - ZERTOLTD0009725		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0713		2013-03-26 13.03 Zerto Virtual Replication - A New Approach to Disaster Recovery.wmv	ZERTOLTD0009726 - ZERTOLTD0009726		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0714		2013-06-04 13.05 Hear from your Peers_ Jefferson National Financial Protects Big Bucks.wmv	ZERTOLTD0009729 - ZERTOLTD0009729		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0715		2013-06-12 13.04 Hear from your Peers_ The Philadelphia Contributionship talks DR on a Budget.wmv	ZERTOLTD0009730 - ZERTOLTD0009730		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA



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PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0716		2013-09-10 13.04 Hear from your Peers_ Tencate Corporation and Simple DR.wmv	ZERTOLTD0009734 - ZERTOLTD0009734		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0717		2013-10-08 13.03 Hear from your Peers_ Save 40_ with BC_DR from Zerto.wmv	ZERTOLTD0009735 - ZERTOLTD0009735		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0718		2013-10-22 13.04 Zerto Virtual Replication - A New Approach to Disaster Recovery.wmv	ZERTOLTD0009736 - ZERTOLTD0009736		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0719		2014-02-04 13.03 Hear from your Peers_ Disaster Recovery for Microsoft SQL Server.wmv	ZERTOLTD0009737 - ZERTOLTD0009737		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0720		2014-03-04 13.01 Hear from your Peers_ Hurricane Avoidance, is it for you_.wmv	ZERTOLTD0009738 - ZERTOLTD0009738		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA

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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0721		2014-03-18 13.02 Zerto Virtual Replication - A New Approach to Disaster Recovery.wmv	ZERTOLTD0009739 - ZERTOLTD0009739		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0722		Internal ZVR 3.0 Review 8-19-13 12.08 PM.mov	ZERTOLTD0009741 - ZERTOLTD0009741		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0723		Master of Disaster_ How to Protect Apps in 15 minutes 4-22-14, 1.05 PM.mov	ZERTOLTD0009742 - ZERTOLTD0009742		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0724		2014-03-05 18.01 Zerto Product Roadmap Webinar for Partners.wmv	ZERTOLTD0009744 - ZERTOLTD0009744		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA
PX0725		Terms_of_Use_and_Privacy_Policy_Zerto.pdf	EMC_0054737 - EMC_0054740		402, 403, 602, 802, 902	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA

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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0726	5/9/2006	Employment Agreement between Kashya Israel Ltd and Oded Kedem, dated 5/9/2006 and Termination Letter to EMC dated 08/09/09	EMC_0192299- EMC_0192304		402, 403, 602, 901, 1002	401 (infringement), 403 N/A, 602 met, NCBA, 901(b), 1003/1004
PX0727		Zerto Website -- "Zerto Jobs - Technical Support Engineer - Boston, MA"	EMC_0055423- EMC_0055424		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0728		 CTED	ZERTOLTD0017729 - ZERTOLTD0017729		402, 403, 602, 802, 901, 1002	401 (infringement), 403 N/A, 602 met, 703, not hearsay, 801(d), 803/804, 807, NCBA, 901(b), 1003/1004
PX0729	7/31/2011	 ACTE	ZERTO0040022 - ZERTO0040023 and ZERTO0040024 - ZERTO0040482		402, 403, 602, 802, 901, 1002	401(damages), 403N/A, 703, 801(d), 803/804, 807, NBCA, 901(b), 1003/1004

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**SCHEDULE C-1:
EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0730		Resources.pdf. Page from Zerto.com	EMC_015462 - EMC_015462		EMC_0015462; 402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0731		Resources___Zerto.pdf. Pages from Zerto.com	EMC_0054454 - EMC_0054455		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0732		Videos___Zerto.pdf. Page from Zerto.com	EMC_0054921 - EMC_0054922		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0733		Webinars on Disaster Recovery for Virtual IT & Cloud. Pages from Zerto.com	EMC_0055089 - EMC_0055091		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004

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EMC'S EXHIBIT LIST**

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0734		White Papers & Data Sheets. Pages from Zerto.com	EMC_0055116 - EMC_0055118		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0735		Resources.pdf. Pages from Zerto.com	EMC_0196095 - EMC_0196096		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0736		Videos.pdf. Pages from Zerto.com	EMC_0196549 - EMC_0196550		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004
PX0737		Webinars on Disaster Recovery for Virtual IT & Cloud. Pages from Zerto.com	EMC_0196934 - EMC_0196937		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004

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EMC'S EXHIBIT LIST

PX Number	Doc Date	Proponent's Description (for identification purposes only; no substantive admissions implied)	Bates Range	Deposition Exhibit Nos.	ZERTO'S OBJECTIONS	EMC'S RESPONSES
PX0738		White Papers & Data Sheets. Pages from Zerto.com	EMC_0196969 - EMC_0196972		402, 403, 602, 802, 901, 1002	401(infringement), 403 N/A, 602 met, 801(d), 803/804, 807, 901(b), NBCA, 1003/1004

ATTACHMENT B

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0001	2005-00-00	Preferred Escrow Agreement between EMC Corporation and Columbia Data Products, Inc.	COLUMBIA000001 - COLUMBIA000009	403, 602, 703, 802		
DTX0002	2005-03-03	License Agreement between EMC Corporation and Columbia Data Products, Inc.	COLUMBIA000010 - COLUMBIA000025	403, 602, 703, 802		
DTX0003	2006-05-23	International Key Employee Agreement between EMC Corporation and Ziv Kedem	EMC_0006878 - EMC_0006880	401/402, 403, 802		
DTX0004	2006-03-23	Kashya KBX5000, Version 2.2 Release Notes	EMC_0006881 - EMC_0006888	401/402, 403, 802		
DTX0005	2006-09-15	Memorandum To: PMT Member From: N. Hession re RecoverPoint Retrospective - General list from	EMC_0008016 - EMC_0008020	401/402, 403, 602, 802		
DTX0006	2006-02-00	Presentation "EMC RecoverPoint Sales Overview"	EMC_0008489 - EMC_0008534	401/402, 403, 602, 802		
DTX0007	2013-00-00	Zerto Virtual Replication Requirements	EMC_0015973 - EMC_0015974	401/402, 403, 602, 802		
DTX0008	2006-05-08	Agreement and Plan of Merger By and Among EMC Corporation, Ezra Merger Corporation, Kashya, Inc. and the Representative of Certain Holders of the Capital Stock of Kashya, Inc.	EMC_0018282 - EMC_0018334	401/402, 403, 802		
DTX0009	2003-07-07	Agreement and Plan of Merger By and Among EMC Corporation, Ezra Merger Corporation, Eclipse Merger Corporation and Legato Systems, Inc.	EMC_0018335 - EMC_0018402	401/402, 403, 602, 802		
DTX0010	2007-11-00	Presentation "NetWorker, PowerSnap & RecoverPoint"	EMC_0018497 - EMC_0018560	401/402, 403, 602, 703, 802		
DTX0011	2007-04-00	Presentation "RecoverPoint Competitive Overview"	EMC_0018749 - EMC_0018864	401/402, 403, 602, 703, 802		
DTX0012	2012-00-00	Data sheet for EMC NetWorker Unified backup and recovery	EMC_0020097 - EMC_0020099	401/402, 403, 602, 703, 802		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0013	n/a	Presentation "EMC SRDF and Timefinder Families"	EMC_0021075 - EMC_0021150	401/402, 403, 602, 703, 802		
DTX0014	2009-2013	NetWorker Sales Data 2009-2013	EMC_0022943	401/402, 403, 602, 703, 802		
DTX0015	2006-03-07	EMC NetWorker PowerSnap Module for EMC RecoverPoint 'Rainier' Software Project Plan, Version 3.0	EMC_0023381 - EMC_0023394	401/402, 403, 602, 703, 802		
DTX0016	2006-03-07	NetWorker PowerSnap Module for EMC RecoverPoint 'Rainier' Software Requirements Specification, Version 2.0 (approved)	EMC_0023395 - EMC_0023453	401/402, 403, 602, 703, 802		
DTX0017	2006-03-27	EMC NetWorker PowerSnap Module for RecoverPoint Installation and Administration Guide, P/N E-2-2464-01, Rev A01, Version 2.2.1	EMC_0023620 - EMC_0023835	401/402, 403, 602, 703, 802		
DTX0018	2005-07-28	EMC Product Data Sheet NMCDP 1.0-"Rainier", Revision 1.0	EMC_0024088 - EMC_0024097	401/402, 403, 602, 703, 802		
DTX0019	2005-08-10	EMC Corporation's Draft NetWorker Module for CDP 'Rainier' Software Requirements Specification, Version .06	EMC_0024434 - EMC_0024486	401/402, 403, 602, 703, 802		
DTX0020	2006-03-28	Project: Ezra Technical Due Diligence Meeting Notes March 28th - 31st, 2006	EMC_0029417 - EMC_0029435	401/402, 403, 602, 703, 802		
DTX0021	2006-05-08	Inventions Assignment, Nondisclosure and Noncompetition Agreement between Kashya Limited and Shlomo Ahal	EMC_0029477 - EMC_0029488	401/402, 403, 602, 802, 1002		
DTX0022	2006-05-08	Invention Assignment Signature Pages by Ziv Kedem, Michael Lewin, Yair Heller and Shlomo Ahal	EMC_0029489 - EMC_0029496	401/402, 403, 602, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0023	2004-10-14	Email thread between Y. Mosell, J. Stern and M. Taylor re Kashya questions	EMC_0029802 - EMC_0029803	401/402, 403, 602, 703, 802		
DTX0024	2004-10-27	Email thread between O. Yarkowich and G. Le Roux re Kvolume size	EMC_0029804 - EMC_0029805	401/402, 403, 602, 703, 802		
DTX0025	2003-11-06	Kashya KBX-4000 Manual, Version 1.0	EMC_0030816 - EMC_0031045	401/402, 403, 802		
DTX0026	2004-08-30	Kashya's KBX4000 Administrator's Guide, Product Release: 2.0 - Draft 2	EMC_0031694 - EMC_0031784	401/402, 403, 602, 802, 901, 1002		
DTX0027	2004-10-27	Kashya KBX4000 Installation Guide, Revision 2.0	EMC_0032392 - EMC_0032433	106, 401/402, 403, 602, 703, 802, Incorrect Bates Range		
DTX0028	2004-04-15	Kashya KBX5000 Administrator's Guide, Revision 2.1	EMC_0033200 - EMC_0033386	401/402, 403, 602, 703, 802		
DTX0029	2004-02-00	Kashya Presentation to Investor Feb 2004	EMC_0037547 - EMC_0037603	401/402, 403, 602, 802		
DTX0030	2014-01-30	EMC Corporation and Legato Systems, Inc. Certificate of Merger	EMC_0055535 - EMC_0055541	403, 802		
DTX0031	2006-05-10	Assignment for Patent Application No. 11/356,920	EMC_0055552 - EMC_0055555	106, 401/402, 403		
DTX0032	1997-07-15	U.S. Patent No. 5,649,152	EMC_0062843 - EMC_0062856	401/402, 403		
DTX0033	1994-01-19	Lab Book of Michael Ohran - Vinca Corporation (01/19/94-05/19/95)	EMC_0069319 - EMC_0069392	106, 403, 802, Incorrect Bates Range		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0034	1999-06-07	Agreement and Plan of Reorganization By and Among Legato Systems, Inc., Sundance Acquisition Corp., Vinca Corporation, The Canopy Group, Inc. (As Stockholders' Representative), and The Undersigned Stockholders of Vinca Corporation	EMC_0076800 - EMC_0076863	401/402, 403, 602, 802		
DTX0035	1999-11-23	American Appraisal Associates' appraisal re acquisition by Legato Systems, Inc. of Vinca Corporation	EMC_0080764 - EMC_0080806	401/402, 403, 602, 703, 802		
DTX0036	n/a	Exhibit E - Valuation of Patent/Core Technology	EMC_0080828 - EMC_0080829	401/402, 403, 602, 703, 802		
DTX0037	2003-09-18	Deposition Transcript of Richard Joseph Mayfield for Legato Systems, Inc. v. Columbia Data Products, Inc.	EMC_0094738 - EMC_0094781	106, 401/402, 403, 802, 1002		
DTX0038	2004-03-31	Deposition Transcript of Michael R. Ohran from EMC Corporation v. Columbia Data Products	EMC_0095180 - EMC_0095241	106, 401/402, 403, 802, 1002		
DTX0039	2010-06-16	Declaration of Paul G. Johnson for U.S. Patent Application No. 11/381,343	EMC_0116916 - EMC_0117080	106, 401/402, 403, 1002		
DTX0040	1993-03-17	"Delta Microsystems new FreezeFrame performs live backups while maintaining system performances," Business Wire Press Release	EMC_0127172	106, 401/402, 403, 802		
DTX0041	2007-04-10	NetWorker PowerSnap Module v2.4 Wachusett Project QA Test Plan, Version 1.0	EMC_0131409 - EMC_0131447	401/402, 403, 602, 703, 802		
DTX0042	2007-04-18	NetWorker Module for PowerSnap 2.4 (Wachusett) User Documentation Plan, Version 1.0 Approved	EMC_0131448 - EMC_0131473	401/402, 403, 602, 703, 802		
DTX0043	2007-05-25	Product Data Sheet -PDS- for "PowerSnap v2.4 (Wachusett), Rev. 1.0	EMC_0131594 - EMC_0131604	401/402, 403, 602, 703, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0044	2007-03-30	NetWorker PowerSnap Module for EMC RecoverPoint 'Wachusett' Software Requirements Specification, Version 0.4 (draft)	EMC_0134935 - EMC_0134995	401/402, 403, 602, 703, 802		
DTX0045	2007-05-23	Presentation "PowerSnap 2.4 - "Wachusett" Checkpoint 4 Program Commitment Review"	EMC_0140053 - EMC_0140067	401/402, 403, 602, 703, 802		
DTX0046	2007-04-19	PowerSnap v2.4 "Wachusett" Software Project Plan, Rev. 0.2	EMC_0142008 - EMC_0142022	401/402, 403, 602, 703, 802		
DTX0047	2007-03-02	NetWorker PowerSnap Module for EMC RecoverPoint 'Wachusett' Software Requirements Specification, Version 0.2 (draft)	EMC_0146682 - EMC_0146742	401/402, 403, 602, 703, 802		
DTX0048	2006-07-18	PowerSnap 2.3 "Nashoba" Software Requirements Specification, Version 0.04	EMC_0149818 - EMC_0149852	401/402, 403, 602, 703, 802		
DTX0049	2007-06-11	QA Test Design Specification Wachusett EMC RecoverPoint SCM, Rev. 1.0	EMC_0151321 - EMC_0151339	401/402, 403, 602, 703, 802		
DTX0050	2007-04-26	EMC NetWorker PowerSnap Module for RecoverPoint Installation and Administration Guide, P/N 300-004-767, Rev A01, Version 2.4, Draft A	EMC_0154623 - EMC_0154722	401/402, 403, 602, 703, 802		
DTX0051	2006-07-31	Software Requirements Specification (SRS) Template, Rev. 2.4	EMC_0157026 - EMC_0157090	401/402, 403, 602, 703, 802		
DTX0052	2005-09-00	EMC Legato NetWorker PowerSnap Module for EMC Symmetrix DMX Installation and Administrator's Guide, Version 2.1	EMC_0158190 - EMC_0158427	401/402, 403, 802		
DTX0053	2006-06-14	PowerSnap PMT Meeting Minutes	EMC_0168724 - EMC_0168739	401/402, 403, 602, 703, 802		
DTX0054	n/a	Presentation "EMC NetWorker Recovery Management Launch PowerSnap Module 2.2 (2.2.1) Go to Market Plan"	EMC_0174142 - EMC_0174162	401/402, 403, 602, 703, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0055	2014-04-02	EMC NetWorker PowerSnap Module for RecoverPoint Installation and Administration Guide, P/N 300-004-767, Rev A01, Version 2.4, Draft A	EMC_0174830 - EMC_0174987	401/402, 403, 602, 802, 1002		
DTX0056	2009-07-23	Decision on Appeal, Appeal No. 2008-004759	EMC_0184032 - EMC_0184043	106		
DTX0057	2014-08-15	Massachusetts SOC Filing of Zerto, Inc. Annual Report	EMC_0189428 - EMC_0189429	401/402, 403, 802, 1002		
DTX0058	2001-05-31	Employment Agreement between Kashya Israel Ltd. And Yair Heller	EMC_0189490 - EMC_0189496	401/402, 403, 602, 802		
DTX0059	2005-04-29	Patent Cross-License Agreement By and Between EMC Corporation, Hewlett-Packard Company, and Hewlett-Packard Development Company, L.P.	EMC_0189505 - EMC_0189520	403, 602, 703, 802		
DTX0060	2005-04-29	Settlement Agreement between EMC Corporation and Hewlett-Packard Development Company	EMC_0189521 - EMC_0189538	403, 602, 703, 802		
DTX0061	2003-02-24	Cross-License Agreement between EMC Corporation, et al. and Hitachi, Ltd.	EMC_0189539 - EMC_0189552	403, 602, 703, 802		
DTX0062	2003-02-24	Cross-License Agreement between EMC Corporation and Hitachi, Ltd.	EMC_0189553 - EMC_0189565	403, 602, 703, 802		
DTX0063	1999-03-19	License Agreement between International Business Machines Corporation and EMC Corporation	EMC_0189566 - EMC_0189581	403, 602, 703, 802		
DTX0064	2000-05-12	Amendment to License Agreement between EMC Corporation and International Business Machines Corporation	EMC_0189582 - EMC_0189585	403, 602, 703, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0065	2014-08-00	NRDC Issue Paper, "Data Center Efficiency Assessment, Scaling Up Energy Efficiency Across that Data Center Industry: Evaluating Key Drivers and Barriers"	EMC_0189586 - EMC_0189620	403, 602, 703, 802		
DTX0066	2006-01-09	Settlement Agreement between EMC Corporation and NSI Software, Inc.	EMC_0189621 - EMC_0189632	403, 602, 703, 802		
DTX0067	n/a	Worldwide High-End External RAID (Factory Revenue, USM\$) Q2-2014 Revenue Share	EMC_0189633	403, 602, 703, 802		
DTX0068	n/a	Product Line P&L - Quarterly Trend Recoverpoint All-in (Classic + Suites + Splitter)	EMC_0189634	403, 602, 703, 802		
DTX0069	n/a	Product Line P&L - Quarterly Trend Recoverpoint 2009-2014	EMC_0189635	403, 602, 703, 802		
DTX0070	n/a	Recoverpoint Market Share	EMC_0189636	403, 602, 703, 802		
DTX0071	n/a	Product Line P&L - Quarterly Trend Symmetrix Hist	EMC_0189638	403, 602, 703, 802		
DTX0072	2005-10-24	Press Release "EMC RecoverPoint Spearheads New Information Protection Software," www.finanzen.net	EMC_0189672 - EMC_0189678	403, 602, 703, 802		
DTX0073	2005-10-24	Silverthorn, "EMC 'validates' CDP," www.InfoStar.com	EMC_0189679 - EMC_0189681	403, 602, 703, 802		
DTX0074	2005-10-30	Windows IT Pro Storage, "A New CDP Choice"	EMC_0189709 - EMC_0189715	403, 602, 703, 802		
DTX0075	2006-04-00	Presentation "Project Ezra Due Diligence Overview"	EMC_0191301 - EMC_0191312	401/402, 403, 602, 703, 802		
DTX0076	1996-09-27	Settlement and License Agreement between EMC Corporation and CMD Technology, Inc.	EMC_0192310 - EMC_0192337	403, 602, 703, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0077	2007-08-21	Letter to K. Butt from W. Clark re Non-Exclusive Patent License and Settlement Agreement	EMC_0192338 - EMC_0192354	401/402, 403, 602, 703, 802, 1002		
DTX0078	1996-08-16	Settlement and License Agreement between EMC Corporation and Falcon Systems Inc.	EMC_0192355 - EMC_0192378	403, 602, 703, 802		
DTX0079	1998-12-24	License Agreement between EMC Corporation and Mylix Corporation	EMC_0192379 - EMC_0192397	403, 602, 703, 802		
DTX0080	2004-09-30	Letter to S. Jaggi from K. Gupta	EMC_0192398 - EMC_0192402	403, 602, 703, 802		
DTX0081	2013-04-01	Intellectual Property Agreement (Foreign) between GoPivotal Holdings and EMC International Company	EMC_0192403 - EMC_0192431	403, 602, 703, 802		
DTX0082	2013-04-01	Intellectual Property Agreement between GoPivotal, Inc. and EMC Corporation	EMC_0192432 - EMC_0192462	403, 602, 703, 802		
DTX0083	1999-04-01	License Agreement between EMC Corporation and TM Patents, L.P.	EMC_0192463 - EMC_0192467	403, 602, 703, 802		
DTX0084	1999-03-03	Agreement between EMC Corporation and TM Patents, L.P.	EMC_0192468 - EMC_0192475	403, 602, 703, 802		
DTX0085	2011-07-29	Patent License Agreement between Nortel Networks Corporation, Nortel Networks Limited, Nortel Networks Inc., EMEA Sellers, Other Sellers, French Liquidator, Joint Administrators and EMC Corporation	EMC_0192529 - EMC_0192558	403, 602, 703, 802		
DTX0086	2014-00-00	Microsoft Documentation - Windows Shadow Share Documents	EMC_0193296 - EMC_0194688	106, 401/402, 403, 602, 701-03, 802		
DTX0087	1996-00-00	Newman, et al., "Flow Labelled IP: A Connectionless Approach to AMT," IEEE	EMC_0197720 - EMC_0197730	403, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0088	2014-11-19	"Ethernet Addresses and Names," printout from www.wildpackets.com/resouces/compendium/ethernet/ethernet_addresses_	EMC_0197731 - EMC_0197733	403, 802		
DTX0089	1998-08-25	U.S. Patent No. 5,799,141	EMC_0197734 - EMC_0197748	403		
DTX0090	2001-10-23	U.S. Patent No. 6,308,283	EMC_0197749 - EMC_0197763	403		
DTX0091	n/a	Virtual Machines Protected by Account, Zerto's Enterprise Segment, September 8, 2011 through November 6, 2014	EMC_0197764 - EMC_0197773	403, 802		
DTX0092	2014-10-22	"Why is it called Cloud Computing," http://it.toolbox.com/blogs/original-thinking/why-is-it-called-quotcloud-computingquot	EMC_0197774 - EMC_0197778	403, 802		
DTX0093	2014-11-19	"Understanding TCP/IP addressing and subnetting basics," http://support.microsoft.com/kb/164015	EMC_0197779 - EMC_0197781	403, 802		
DTX0094	2014-08-00	"IBISWorld Industry Report 51121b Database, Storage & Backup Software Publishing in the US," IBISWorld	EMC_0197782 - EMC_0197818	403, 602, 703, 802		
DTX0095	2014-09-09	"Storage Software Market Sees Continued Strong Demand as Revenues Increased 6.3% During the Second Quarter of 2014, According to IDC," Business Wire, http://www.businesswire.com/news/home/20140909005174/en/storage-software-market-sees-continued-strong-demand#.VH8i9DHF8uc	EMC_0197821 - EMC_0197822	403, 602, 703, 802		
DTX0096	n/a	"Technology SnapBack's Power is Based on PSM/OTM Technology," www.cdp.com/technology/#otm	EMC_0197823 - EMC_0197825	403, 602, 703, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0097	n/a	"Technology SnapBack's Power is Based on PSM/OTM Technology," www.cdp.com/technology/#psm	EMC_0197826 - EMC_0197828	403, 602, 703, 802		
DTX0098	2003-10-21	Press Release "EMC Completes Acquisition of LEGATO Systems," www.emc.com/about/news/press/us/2003-20031021-1883	EMC_0198278 - EMC_0198279	403, 602, 703, 802		
DTX0099	2004-01-09	"EMC Completes Acquisition of VMware," VMware News Release, www.vmware.com/company/news/releases/emc2	EMC_0198280 - EMC_0198282	403, 602, 703, 802		
DTX0100	2001-05-01	Complaint from Legato Systems, Inc. v. Columbia Data Products, Inc. (Dkt. No. 1)	EMC_0198283 - EMC_0198294	403, 602, 703		
DTX0101	2001-07-20	Answer and Second Amended Counterclaim from Legato Systems, Inc. v. Columbia Data Products, Inc. (Dkt. No. 12)	EMC_0198295 - EMC_0198316	403		
DTX0102	2004-11-10	Order from Legato Systems, Inc. v. Columbia Data Products, Inc. (Dkt. No. 397)	EMC_0198317 - EMC_0198337	401/402, 403, 602, 703		
DTX0103	2013-12-31	EMC Corporation Form 10-K	EMC_0198338 - EMC_0198484	403, 602, 703, 802		
DTX0104	2014-00-00	EMC Specification Sheet "EMC Recoverpoint For Virtual Machines," www.emc.com/collateral/specification-sheet_h13306-recoverpoint-for-vms-ss	EMC_0198487 - EMC_0198488	403, 602, 703, 802		
DTX0105	2003-07-08	Connor, "EMC snatches up Legato," Network World, www.networkworld.com/article-2334923-data-centeremc-snatches-up-legato	EMC_0198489 - EMC_0198490	403, 602, 703, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0106	1999-07-26	Lohr, "I.B.M. Challenges EMC With New Data-Storage Line," The New York Times, www.nytimes.com/1999/07/26-business/ibm-challenges-emc-with-new-data-storage-line	EMC_0198533 - EMC_0198534	403, 602, 703, 802		
DTX0107	2012-04-00	Amatruda, "Market Analysis, Worldwide Purpose-Build Backup Appliance 2012-2016 Forecast and 2011 Vendor Shares," IDC	EMC_0198535 - EMC_0198554	403, 602, 703, 802		
DTX0108	2005-03-02	NSI's Amended Answer and Counterclaims to Plaintiff's Complaint from Legato Systems, Inc. v. Network Specialists, Inc. (Dkt. No. 302)	EMC_0198557 - EMC_0198572	401/402, 403, 602, 703		
DTX0109	2014-06-18	Shieber, "Moving Data From Cloud to Cloud, Zerto Raises \$26 Million," techcrunch.com/2014/06/18-moving-data-from-cloud-to-cloud-zerto-raises-26-million/	EMC_0198575 - EMC_0198579	403, 602, 703, 802		
DTX0110	n/a	"MTI Technology Partners," mti.com/about-us/our-partners	EMC_0198580 - EMC_0198583	403, 602, 703, 802		
DTX0111	2014-08-26	Phalen, "New EMC RecoverPoint for Virtual Machines: Redefining Hybrid Cloud Data Protection," www.pulseblog.ecm.com/2014/08/26/emc-announces-recoverpoint-virtual-machines	EMC_0198592 - EMC_0198596	403, 602, 703, 802		
DTX0112	2012-03-06	Press Release, "EMC Achieves Decade of Storage Software Market Share Leadership-Gains Market Share," www.emc.com/about/news/press/2012-20120306-02	EMC_0198597 - EMC_0198598	403, 602, 703, 802		
DTX0113	2006-05-09	Press Release "EMC Acquires Kashya," www.emc.com/about/news/press/us/2006/05092006-4371	EMC_0198599 - EMC_0198600	403, 602, 703, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0114	2014-00-00	"The Evolution of Backup," axcient.com/the-evolution-of-backup	EMC_0198610 - EMC_0198614	403, 602, 703, 802		
DTX0115	1990-02-06	U.S. Patent No. 4,899,342	EMC_0198617 - EMC_0198624	401/402, 403		
DTX0116	2001-11-06	U.S. Patent No. 6,314,574	EMC_0198671 - EMC_0198686	401/402, 403		
DTX0117	2014-03-21	Press Release "Worldwide Purpose-Built Backup Appliance (PBBA) Market Posts 9.7% Year-Over-Year Revenue Growth in Fourth Quarter of 2013, According to IDC," www.idc.com/getdoc.jsp?containerId=prUS24762914	EMC_0198687 - EMC_0198689	403, 602, 703, 802		
DTX0118	2013-06-10	Kingsley-Hughes, "Worldwide storage software market increases during first quarter: IDC," www.zdnet.com/article/worldwide-storage-software-market-increases-during-first-quarter-idc-7000016602	EMC_0198690 - EMC_0198692	403, 802		
DTX0119	2012-03-27	Simpson, "Zerto covers all clouds with hypervisor-based replication for business continuity/DR," 451 Research	EMC_0198695 - EMC_0198698	403, 602, 703, 802		
DTX0120	2013-03-00	"DR as a Service Market (RaaS; Cloud DR; Disaster Recovery as a Service; Business Continuity as a Service) - Worldwide Forecasts and Analysis (2013-2018)," www.marketsandmarkets.com/Market-Reports/recover-as-a-service-market-962.html	EMC_0198823 - EMC_0198824	403, 602, 703, 802		
DTX0121	2014-10-22	Pidgeon, "How Ethernet Works," http://computer.howstuffworks.com	EMC_0198825 - EMC_0198827	403		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0122	2002-08-16	Black, et al., "Introduction to Digital Transport Systems," www.informit.com	EMC_0198828 - EMC_0198830	403		
DTX0123	2008-09-02	U.S. Patent No. 7,421,617	EMC_0198831 - EMC_0198845	401/402, 403, 1002		
DTX0124	2008-01-29	U.S. Patent No. 7,325,159	EMC_0198846 - EMC_0198859	401/402, 403, 1002		
DTX0125	2010-05-18	U.S. Patent No. 7,720,817	EMC_0198860 - EMC_0198879	401/402, 403, 1002		
DTX0126	1993-00-00	Black, "Computer Networks Protocols, Standards, and Interfaces," Second Edition, pp. 125-128	EMC_0198880 - EMC_0198885	403, 802		
DTX0127	2014-10-22	Zandbergen, "Types of Networks: LAN, WAN, WLAN, MAN, SAN, PAN, EPN & VPN," http://education-portal.com	EMC_0198886 - EMC_0198888	403, 802		
DTX0128	1998-11-10	U.S. Patent No. 5,835,953	EMC_0198889 - EMC_0198921	401/402, 403		
DTX0129	n/a	EMC Source Code: AccumulatorManager.hh	EMC_SC_0000001 - EMC_SC_0000006	401/402, 403, 602, 701, 702, 703, NEA		
DTX0130	n/a	EMC Source Code: Distributor_AO_IMPL.cc	EMC_SC_0000007 - EMC_SC_0000028	401/402, 403, 602, 701, 702, 703, NEA		
DTX0131	n/a	EMC Source Code: DistributorGroupHandler.cc	EMC_SC_0000029 - EMC_SC_0000127	401/402, 403, 602, 701, 702, 703, NEA		
DTX0132	n/a	EMC Source Code: EvaluatorDistributorGroupHandler.cc	EMC_SC_0000128 - EMC_SC_0000134	401/402, 403, 602, 701, 702, 703, NEA		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0133	n/a	EMC Source Code: KashyaTime.hh	EMC_SC_0000135 - EMC_SC_0000136	401/402, 403, 602, 701, 702, 703, NEA		
DTX0134	n/a	EMC Source Code: ManagementService.java	EMC_SC_0000137 - EMC_SC_0000139	401/402, 403, 602, 701, 702, 703, NEA		
DTX0135	n/a	EMC Source Code: ManagementServiceImpl.jav	EMC_SC_0000140 - EMC_SC_0000145	401/402, 403, 602, 701, 702, 703, NEA		
DTX0136	n/a	EMC Source Code: ModelUtils.java	EMC_SC_0000146 - EMC_SC_0000165	401/402, 403, 602, 701, 702, 703, NEA		
DTX0137	n/a	EMC Source Code: PersistentSnapshotData.cc	EMC_SC_0000166 - EMC_SC_0000205	401/402, 403, 602, 701, 702, 703, NEA		
DTX0138	n/a	EMC Source Code: RCTaskHandler.cc	EMC_SC_0000206 - EMC_SC_0000220	401/402, 403, 602, 701, 702, 703, NEA		
DTX0139	n/a	EMC Source Code: ReplicationControl_AO_IMPL.cc	EMC_SC_0000221 - EMC_SC_0000256	401/402, 403, 602, 701, 702, 703, NEA		
DTX0140	n/a	EMC Source Code: ReplicationState.dg	EMC_SC_0000257 - EMC_SC_0000265	401/402, 403, 602, 701, 702, 703, NEA		
DTX0141	n/a	EMC Source Code: SystemModel.java	EMC_SC_0000266 - EMC_SC_0000318	401/402, 403, 602, 701, 702, 703, NEA		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0142	n/a	EMC Source Code: CiscoHostInteractor_AO_IMPL.cc	EMC_SC_0000319 - EMC_SC_0000359	401/402, 403, 602, 701, 702, 703, NEA		
DTX0143	n/a	EMC Source Code: DataSynchronizer_AO_IMPL.cc	EMC_SC_0000360	401/402, 403, 602, 701, 702, 703, NEA		
DTX0144	n/a	EMC Source Code: DeltaMarker_AO_IMPL.cc	EMC_SC_0000361 - EMC_SC_0000377	401/402, 403, 602, 701, 702, 703, NEA		
DTX0145	n/a	EMC Source Code: DeltaMakerSubMap.cc	EMC_SC_0000378 - EMC_SC_0000379	401/402, 403, 602, 701, 702, 703, NEA		
DTX0146	n/a	EMC Source Code: DMTaskHandler.cc	EMC_SC_0000380 - EMC_SC_0000420	401/402, 403, 602, 701, 702, 703, NEA		
DTX0147	n/a	EMC Source Code: DRLManger.cc	EMC_SC_0000421 - EMC_SC_0000434	401/402, 403, 602, 701, 702, 703, NEA		
DTX0148	n/a	EMC Source Code: GroupCommands.cc	EMC_SC_0000435 - EMC_SC_0000455	401/402, 403, 602, 701, 702, 703, NEA		
DTX0149	n/a	EMC Source Code: HostManger_AO_IMPL.cc	EMC_SC_0000456 - EMC_SC_0000484	401/402, 403, 602, 701, 702, 703, NEA		
DTX0150	n/a	EMC Source Code: InitCommandHandlers.cc	EMC_SC_0000485 - EMC_SC_0000487	401/402, 403, 602, 701, 702, 703, NEA		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0151	n/a	EMC Source Code: Management_AO_IMPL_Snapshots.cc	EMC_SC_0000488 - EMC_SC_0000505	401/402, 403, 602, 701, 702, 703, NEA		
DTX0152	n/a	EMC Source Code: PersistentGroupTags.cc	EMC_SC_0000506 - EMC_SC_0000510	401/402, 403, 602, 701, 702, 703, NEA		
DTX0153	n/a	EMC Source Code: PersistentGroupTags.hh	EMC_SC_0000511 - EMC_SC_0000513	401/402, 403, 602, 701, 702, 703, NEA		
DTX0154	n/a	EMC Source Code: ReplicationControl_AO_IMPL.cc	EMC_SC_0000514 - EMC_SC_0000568	401/402, 403, 602, 701, 702, 703, NEA		
DTX0155	n/a	EMC Source Code: santap_interface.h	EMC_SC_0000569 - EMC_SC_0000638	401/402, 403, 602, 701, 702, 703, NEA		
DTX0156	n/a	EMC Source Code: SantapStructs_DG_IMPL.cc	EMC_SC_0000639 - EMC_SC_0000661	401/402, 403, 602, 701, 702, 703, NEA		
DTX0157	n/a	EMC Source Code: SCConnectionManager.cc	EMC_SC_0000662 - EMC_SC_0000664	401/402, 403, 602, 701, 702, 703, NEA		
DTX0158	n/a	EMC Source Code: SiteControl_AO_IMPL.cc	EMC_SC_0000665 - EMC_SC_0000677	401/402, 403, 602, 701, 702, 703, NEA		
DTX0159	n/a	EMC Source Code: SiteMgmtAPI_AO_IMPL.cc	EMC_SC_0000678 - EMC_SC_0000726	401/402, 403, 602, 701, 702, 703, NEA		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0160	n/a	EMC Source Code: sll_ioctl.c	EMC_SC_0000727 - EMC_SC_0000743	401/402, 403, 602, 701, 702, 703, NEA		
DTX0161	n/a	EMC Source Code: SplitterController_NetBSD.cc	EMC_SC_0000744 - EMC_SC_0000796	401/402, 403, 602, 701, 702, 703, NEA		
DTX0162	1993-11-00	FreezeFrame User's Guide, Version 1.1	LSI 031423 - LSI 031482	401/402, 403, 802, 1002		
DTX0163	2014-00-00	"Accelerate Business With Total Data Protection," www.emc.com/products-solutions/index	n/a	401/402, 403, 602, 901, 1002, ND		
DTX0164	n/a	"EMC Pulse Blog," www.searchstorage.techtarget.com/definition-network-attached-storage	n/a	401/402, 403, 602, 703, 901, 1002, ND		
DTX0165	n/a	"Recoverpoint," http://www.emc.com/storage/recoverpoint/recoverpoint.htm	n/a	401/402, 403, 602, 901, 1002, ND		
DTX0166	1998-06-10	"Testimony of Chairman Alan Greenspan," http://www.federalreserve.gov/boarddocs/testimony/1998/19980610.htm	n/a	401/402, 403, 602, 802, ND		
DTX0167	2005-12-02	"The U.S. Economy: 2005 in Review and Prospects for 2006," Presentation to the California Chamber of Commer San Francisco, CA, http://www.frbsf.org/our-district/press/presidents-speeches/yellen-speeches/2005/december/the-u-s-economy-2005-in-review-and-prospects-for-2006/	n/a	401/402, 403, 602, 802, ND		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0168	n/a	"Zombie" Servers and Inefficiency Drive Energy Waste at Data Centers," http://news.nationalgeographic.com/news/energy/2014/08/140826-nrdc-data-center-energy-waste	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0169	2014-11-20	Appendix I: Supplemental Infringement Disclosures for U.S. Patent No. 7,647,460	n/a	403, 701-03		
DTX0170	2014-11-20	Appendix II: Supplemental Infringement Disclosures for U.S. Patent No. 7,603,395	n/a	403, 701-03		
DTX0171	2014-11-20	Appendix III: Supplemental Infringement Disclosures for U.S. Patent No. 7,971,091	n/a	403, 701-03		
DTX0172	2014-11-20	Appendix IV: Supplemental Infringement Disclosures for U.S. Patent No. 6,073,222	n/a	403, 701-03		
DTX0173	2014-11-20	Appendix V: Supplemental Infringement Disclosures for U.S. Patent No. 7,577,867	n/a	403, 701-03		
DTX0174	2009-00-00	Clark, "Chapter XXXVIII, Data Security for Storage Area Networks," IGI Global	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0175	2013-03-21	Disclosure Schedule	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0176	2006-00-00	Double-Take Software, Inc. Form 10-K	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0177	2007-00-00	Double-Take Software, Inc. Form 10-K	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0178	2008-00-00	Double-Take Software, Inc. Form 10-K	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0179	2009-00-00	Double-Take Software, Inc. Form 10-K	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0180	2014-08-28	Email to A. Moore from N. Speed re: Rokicki Deposition	n/a	401/402, 403, 802		
DTX0181	2003-00-00	EMC Symmetric 8000 Series Data Sheet	n/a	401/402, 403, 602, 703, 802		
DTX0182	2014-09-30	EMC Symmetrix description for Wikipedia	n/a	401/402, 403, 602, 703, 802		
DTX0183	1999-00-00	EMC's Symmetrix 3000 and 5000 Enterprise Storage Systems Product Description Guide	n/a	401/402, 403, 602, 703, 802		
DTX0184	2000-06-00	EMC's Symmetrix Remote Data Facility Enterprise Storage Software Product Description Guide	n/a	401/402, 403, 602, 703, 802		
DTX0185	2011-00-00	EMC's Tech Books for Extended Distance Technologies, Version 1.4	n/a	401/402, 403, 602, 703, 802		
DTX0186	1988-07-00	Exhibit 1005 in <i>Zerto, Inc. v. EMC Corp.</i> , IPR2014-01332, IBM Virtual Machine/System Product CMS Command Reference, Release 6	n/a	401/402, 403, 602, ND		
DTX0187	1976-02-00	Exhibit 1006 in <i>Zerto, Inc. v. EMC Corp.</i> , IPR2014-01332, IBM Virtual Machine Facility/370: CMS User's Guide, Release 3	n/a	401/402, 403, 602, ND		
DTX0188	2014-08-18	Exhibit 1008 in <i>Zerto, Inc. v. EMC Corp.</i> , Declaration of Dr. Erez Zadok in IPR2014-01329	n/a	401/402, 403, 602, ND		
DTX0189	2014-08-18	Exhibit 1009 in <i>Zerto, Inc. v. EMC Corp.</i> , Declaration of Dr. Erez Zadok in IPR2014-01329	n/a	401/402, 403, 602, ND		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0190	2014-12-03	Exhibit C-1 to Opening Expert Report of Philip Green - Reasonable Royalties Due EMC from Zerto's Accused Sales - Based on Zerto's Further Apportioned Values per Virtual Machine - Zerto's Enterprise Segment	n/a	403, 802		
DTX0191	2014-12-03	Exhibit C-2 to Opening Expert Report of Philip Green - Reasonable Royalties Due EMC from Zerto's Accused Sales - Based on Zerto's Further Apportioned Values per Virtual Machine - Zerto's Cloud Segment	n/a	403, 802		
DTX0192	2014-12-03	Exhibit F to Opening Expert Report of Philip Green - CDP Agreement - Implied Royalty Rate (In Thousands)	n/a	403, 802		
DTX0193	n/a	Handwritten notes with Dates of Employment for M. Ohran	n/a	401/402, 403, 802		
DTX0194		"Database Backup and Recovery User's Guide," Oracle, http://docs.oracle.com/cd/E11882_01/backup.112/e10642/glossary.htm#i433107	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0195	1979-03-00	IBM Virtual Machine Facility/370: CMS User's Guide	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0196	1988-07-00	IBM VM/SP CMS Command Reference, pp. 831-851	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0197	2004-08-04	Kashya KBX-4000 Manual, Version 2.0	n/a	401/402, 403, 602, 802, 901, 1002 ND		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0198	2014-04-14	Kedem, "Ziv Kedem: The Hummus-Baked Bean Connection," The Wall Street Journal	n/a	401/402, 403, 602, 802, 901		
DTX0199	2013-11-26	Letter to E. Walsh from M. Lowrie re Zerto, Inc. v. EMC Israel Development Center, Ltd. Case No. IPR2013-00458	n/a	401/402, 403, 802, 901		
DTX0200	2014-00-00	LinkedIn Profile of Barry Burke	n/a	401/402, 403, 802, 901		
DTX0201	2014-11-14	Patent Owner's Preliminary Response To Petition Pursuant To 37 C.F.R. § 42.107 (Paper 11) in IPR2014-01254	n/a	401/402, 403, 602, 901, 1002		
DTX0202	2014-11-25	Patent Owner's Preliminary Response To Petition Pursuant To 37 C.F.R. § 42.107 (Paper 12) in IPR2014-01295	n/a	401/402, 403, 602, 901, 1002		
DTX0203	2014-12-03	Patent Owner's Preliminary Response To Petition Pursuant To 37 C.F.R. § 42.107 (Paper 12) in IPR2014-01329	n/a	401/402, 403, 602, 901, 1002		
DTX0204	2014-12-03	Patent Owner's Preliminary Response To Petition Pursuant To 37 C.F.R. § 42.107 (Paper 12) in IPR2014-01332	n/a	401/402, 403, 602, 901, 1002		
DTX0205	2013-10-24	Patent Owner's Preliminary Response To Petition Pursuant To 37 C.F.R. § 42.107 for IPR2013-00458	n/a	401/402, 403, 602, 901, 1002		
DTX0206	2014-08-07	Petition for Inter Partes Review (w/ Exhibits) in IPR2014-01254	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0207	2014-08-15	Petition for Inter Partes Review (w/ Exhibits) in IPR2014-01295	n/a	401/402, 403, 602, 802, 901, 1002, ND		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0208	2014-08-19	Petition for Inter Partes Review (w/ Exhibits) in IPR2014-01329	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0209	2014-08-19	Petition for Inter Partes Review (w/ Exhibits) in IPR2014-01332	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0210	2014-08-19	Petition For Inter Partes Review Under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 Et. Seq. (Paper 1) in IPR2013-01332	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0211	2013-07-19	Petition For Inter Partes Review Under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 Et. Seq. in IPR2013-00458	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0212	2014-08-19	Petition For Inter Partes Review Under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 Et. Seq. in IPR2013-01329	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0213	2015-01-23	Diagram prepared at deposition of Ian Jestice	n/a	401/402, 403		
DTX0214	2005-00-00	SBBI Stocks, Bonds, Bills, and Inflation, Valuation Edition 2005 Yearbook	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0215	2006-00-00	SBBI Stocks, Bonds, Bills, and Inflation, Valuation Edition 2006 Yearbook	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0216	2014-09-11	Screenshot Zerto Alliance Partner Program	n/a	401/402, 403, 802, 901, ND		
DTX0217	2013-03-21	Series C Preferred Share Purchase Agreement between ZeRTO Ltd. and Investors	n/a	401/402, 403, 602, 703, 802, 901, ND		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0218	n/a	Spreadsheet of Product Line P&L - Qtrly Trend Symmetrix	n/a	401/402, 403, 602, 703, 802, 901, 1002 ND		
DTX0219	2011-09-22	U.S. Patent Application No. US 2011/0231841	n/a	403, ND		
DTX0220	1997-07-15	U.S. Patent No. 5,649,125	n/a	401/402, 403, 802, 901, 1002, ND		
DTX0221	2012-10-00	Yandle, "The Economic Situation October 2012 A Special Edition," http://mercatus.org/publication/economic-situation-october-2012	n/a	401/402, 403, 802, 901, ND		
DTX0222	2004-08-04	Kashya's KBX4000 Administrator's Guide, Product Release: 2.0	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0223	2006-01-03	Mendocino Software's The RecoveryONE Solution Architecture Guide, Product Version 1.0	n/a	401/402, 403, 602, 802, 901, 1002, ND		
DTX0224	2015-01-09	Appendix A to Expert Report of Russell L. Parr - Professional Qualifications of Russell L. Parr	n/a	401/402, 403, 802		
DTX0225	2014-08-18	Exhibit 1009 in <i>Zerto, Inc. v. EMC Corp.</i> ., Declaration of Dr. Erez Zadok for U.S. Patent No. 7,647,460	n/a	403, 802		
DTX0226	n/a	Court Docket No. 2:01-cv-00312-TC for Legato Systems, Inc., et al. v. Columbia Data Products, et al.	n/a	106, 401/402, 403, 602, 703, 802, 901, 1002		
DTX0227	n/a	Court Docket No. 5:03-cv-02286-JW for Legato Systems, Inc. v. Network Specialists, Inc., et al.	n/a	106, 401/402, 403, 602, 703, 802, 901, 1002		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0228	2006-08-11	"Double-Take Seeks IPO, Replication vendor makes surprising bid to go public," Information Week	n/a	106, 401/402, 403, 602, 703, 802, 901, 1002		
DTX0229	2006-12-07	"Double-Take Software plans IPO," Boston Business Journal	n/a	106, 401/402, 403, 602, 703, 802, 901, 1002		
DTX0230	2010-10-14	"Evaluating Reasonable Royalties After ResQNet," Law360	n/a	106, 401/402, 403, 602, 703, 802, 901, 1002		
DTX0231	2014-11-10	Handwritten notes for Philip Green from meeting with Mr. Jestice	n/a	401/402, 403, 602, 703, 802		
DTX0232	2010-12-07	U.S. Patent No. 7,849,361	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0233	2009-04-07	U.S. Patent No. 7,516,287	n/a	401/402, 403, 602, 703, 802, 901, 1002, ND		
DTX0234	2013-03-07	Declaration of William R. Clark, Esq.	n/a	401/402, 403, 602, 802, 1002, ND		
DTX0235	2013-04-08	EMC's Response to Zerto's First Set of Interrogatories	n/a	403, 703		
DTX0236	2014-08-26	EMC's Supplemental Response to Zerto's First Set of Interrogatories (Nos. 1-9)	n/a	403, 703		
DTX0237	2005-03-08	Joint Motion To Dismiss With Prejudice	n/a	401/402, 403, 602, 802, 901, 1002, ND		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0238	2014-02-07	Zerto's Preliminary Invalidity Contentions as to U.S. Patent No. 6,073,222	n/a	403, 703		
DTX0239	2014-11-21	Zerto's First Supplemental Invalidity Contentions as to U.S. Patent No. 6,073,222	n/a	403, 703		
DTX0240	2013-05-17	Zerto's Preliminary Invalidity Contentions as to U.S. Patent No. 7,577,867	n/a	403, 703		
DTX0241	2014-02-07	Zerto's Supplemental Preliminary Invalidity Contentions as to U.S. Patent No. 7,577,867	n/a	403, 703		
DTX0242	2014-11-21	Zerto's Second Supplemental Invalidity Contentions as to U.S. Patent No. 7,577,867	n/a	403, 703		
DTX0243	2014-02-07	Zerto's Preliminary Invalidity Contentions as to U.S. Patent No. 7,603,395	n/a	403, 703		
DTX0244	2014-11-21	Zerto's First Supplemental Invalidity Contentions as to U.S. Patent No. 7,603,395	n/a	403, 703		
DTX0245	2014-02-07	Zerto's Preliminary Invalidity Contentions as to U.S. Patent No. 7,647,460	n/a	403, 703		
DTX0246	2014-11-21	Zerto's First Supplemental Invalidity Contentions as to U.S. Patent No. 7,647,460	n/a	403, 703		
DTX0247	2014-02-07	Zerto's Preliminary Invalidity Contentions as to U.S. Patent No. 7,971,091	n/a	403, 703		
DTX0248	2014-11-21	Zerto's First Supplemental Invalidity Contentions as to U.S. Patent No. 7,971,091	n/a	403, 703		
DTX0249	2013-04-12	Preliminary Infringement Disclosures for U.S. Patent No. 7,577,867	n/a	403, 703		
DTX0250	2013-12-13	Preliminary Infringement Disclosures for U.S. Patent No. 7,647,460	n/a	403, 703		
DTX0251	2013-12-13	Preliminary Infringement Disclosures for U.S. Patent No. 7,603,395	n/a	403, 703		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0252	2013-12-13	Preliminary Infringement Disclosures for U.S. Patent No. 7,971,091	n/a	403, 703		
DTX0253	2013-12-13	Preliminary Infringement Disclosures for U.S. Patent No. 6,073,222	n/a	403, 703		
DTX0254	2014-11-20	Supplemental Infringement Disclosures for U.S. Patent No. 7,647,460	n/a	403, 703		
DTX0255	2014-11-20	Supplemental Infringement Disclosures for U.S. Patent No. 7,603,395	n/a	403, 703		
DTX0256	2014-11-20	Supplemental Infringement Disclosures for U.S. Patent No. 7,971,091	n/a	403, 703		
DTX0257	2014-11-20	Supplemental Infringement Disclosures for U.S. Patent No. 6,073,222	n/a	403, 703		
DTX0258	2014-11-20	Supplemental Infringement Disclosures for U.S. Patent No. 7,577,867	n/a	403, 703		
DTX0259	2008-12-09	Exhibit 1003 in <i>Zerto, Inc. v. EMC Corp.</i> , IPR2013-00458, U.S. Patent No. 7,464,126	n/a	401/402, 403, 602, ND		
DTX0260	2004-07-00	Exhibit 1002 in <i>Zerto, Inc. v. EMC Corp.</i> , IPR2013-00458, "IBM TotalStorage Enterprise Storage Server Implementing ESS Copy Services in Open Enviornments," IBM Redbooks, Fifth Edition	n/a	401/402, 403, 602, ND		
DTX0261	2013-07-19	Exhibit 1005 in <i>Zerto, Inc. v. EMC Corp.</i> , IPR2013-00458, Declaration of Ahmed Amer	n/a	401/402, 403, 602, ND		
DTX0262	2012-07-20	Complaint	n/a	401/402, 403		
DTX0263	2014-10-24	Deposition Transcript of William Clark	n/a	403, 602, 802, DO		
DTX0264	2014-11-12	Deposition Transcript of Hank Chen	n/a	403, 602, 802, DO		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0265	2014-09-05	Deposition Transcript of John Rokicki	n/a	403, 602, 802, DO		
DTX0266	2014-10-29	Deposition Transcript of Oded Kedem	n/a	403, 602, 802, DO		
DTX0267	2014-10-30	Deposition Transcript of Oded Kedem	n/a	403, 602, 802, DO		
DTX0268	2014-12-03	Deposition Transcript of Zach Dickinson	n/a	403, 602, 802, DO		
DTX0269	2014-10-23	Deposition Transcript of Ziv Kedem	n/a	403, 602, 802, DO		
DTX0270	2014-10-22	Deposition Transcript of Ziv Kedem	n/a	403, 602, 802, DO		
DTX0271	2014-10-16	Subpoena to Sara Jones	n/a	401/402, 403		
DTX0272	2014-08-28	Subpoena to Testify at Civil for Richard Joseph Mayfield	n/a	401/402, 403		
DTX0273	2014-01-16	Decision Denying Institution of Inter Partes Review in <i>Zerto, Inc. v. EMC Corp.</i> , IPR2013-00458	n/a	401/402, 403, 602, 802, 901, 1002		
DTX0274	1996-08-06	U.S. Patent No. 5,544,347	ZERTO_0041572 - ZERTO_0041581	401/402, 403		
DTX0275	2010-03-21	Email thread between O. Kedem, Z. Kedem, N. Senderowicz and I. Parnafes re a question about the prototype	ZERTO0019834 - ZERTO0019836	403, 802		
DTX0276	2012-03-07	Email thread between Z. Kedem, J. Benkoski and M. Tessel re Articles	ZERTO0019865 - ZERTO0019866	403, 802		
DTX0277	n/a	Curriculum Vitae of Paul P. Allerhand	ZERTO0020164 - ZERTO0020166	401/402, 403, 802		

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DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0278	n/a	Presentation "Zerto Virtual Replication re A New Approach to Disaster Recovery"	ZERTO0021028 - ZERTO0021047	403, 802		
DTX0279	2009-11-19	Appendix 1 to the Promissory Loan Agreement Summary of Terms For Series A Convertible Preferred Stock of ZeRTO Ltd. Between ZeRTO Ltd. and Greylock Israel Limited Partnership	ZERTO0022488 - ZERTO0022496	403, 802		
DTX0280	2012-07-01	Email to J. Benkoski, et al. from Z. Kedem re two things	ZERTO0022702 - ZERTO0022703	403, 802		
DTX0281	n/a	Presentation "Zerto Online & Social Marketing Overview 2011 & 2012"	ZERTO0023308 - ZERTO0023333	403, 802		
DTX0282	n/a	Spreadsheet of Zerto 2012 Activity Tracker	ZERTO0023363	403, 802		
DTX0283	n/a	Presentation "Zerto 2012 Product Goals"	ZERTO0023367 - ZERTO0023389	403, 802		
DTX0284	2010-01-13	Email to E. Ofer from O. Kedem re Latest customer presentation (v17)	ZERTO0023469 - ZERTO0023481	403, 802		
DTX0285	2012-03-05	Email thread between I. Parnafes and Z. Kedem re I'm abroad	ZERTO0028173	403, 802		
DTX0286	2012-00-00	Spreadsheet of Zerto 2012 Plan	ZERTO0032950 - ZERTO0033138	403, 802		
DTX0287	2010-12-31	ZeRTO Ltd. (A Development Stage Company) Financial Statements as of December 31, 2010	ZERTO0034071 - ZERTO0034086	403, 802		
DTX0288	2010-06-28	Email to E. Ofer from O. Kedem re ZeRTO 1.0 Product Requirement Specifications v14.docx	ZERTO0038378 - ZERTO0038399	403, 802		
DTX0289	2010-03-25	Email to S. Tobin from Z. Kedem re ZeRTO documents	ZERTO0038614 - ZERTO0038624	403, 802		
DTX0290	2012-04-15	Draft of Zerto Ltd. and Its Subsidiary Consolidated Financial Statements as of December 31, 2011	ZERTO0038773 - ZERTO0038789	403, 602, 703, 802		

ZERTO INC.'S EXHIBIT LIST

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DTX0291	2012-05-17	Zerto Ltd. Interim Financial Statements as of December 31, 2012	ZERTO0038792 - ZERTO0038798	403, 602, 703, 802		
DTX0292	2011-05-18	Email to J. Benkoski from Z. Kedem re ZeRTO Operating Plan for 2011-2013	ZERTO0039075 - ZERTO0039323	403, 802		
DTX0293	2011-12-21	Email to J. Benkoski, et al. re Z. Kedem re Zerto Plan for 2012	ZERTO0039327 - ZERTO0039517	403, 802		
DTX0294	2011-07-31	Email to M. Deals, et al. from Y. Zilber re Zerto Round B - Final Documents	ZERTO0040022 - ZERTO0040023, ZERTO0021099 - ZERTO0021106	403, 802		
DTX0295	1993-12-00	Implementing Concurrent Copy-Document Number GG24-3990-00-International Technical Support Organization, San Jose Center	ZERTO0041190 - ZERTO0041370	401/402, 403, 602, 802, 901, 1002		
DTX0296	1994-01-00	PDC's FreezeFrame User's Guide, Version 2.0	ZERTO0041371 - ZERTO0041412	401/402, 403, 602, 802, 901, 1002		
DTX0297	1993-11-00	Delta Microsystems, Inc.'s FreezeFrame User's Guide, Version 1.1	ZERTO0041413 - ZERTO0041472	401/402, 403, 602, 802, 901, 1002		
DTX0298	2005-00-00	The Recovery ONE Solution, Mendocino Software	ZERTO0041483 - ZERTO0041505	401/402, 403, 602, 802, 901, 1002		
DTX0299	1997-09-02	U.S. Patent No. 5,664,186	ZERTO0041582 - ZERTO0041597	401/402, 403, 602, 802, 901, 1002		
DTX0300	1999-11-23	U.S. Patent No. 5,991,813	ZERTO0041598 - ZERTO0041605	401/402, 403, 602, 802, 901, 1002		

ZERTO INC.'S EXHIBIT LIST

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DTX0301	2000-06-06	U.S. Patent No. 6,073,209	ZERTO0041606 - ZERTO0041634	401/402, 403, 602, 802, 901, 1002		
DTX0302	n/a	Presentation "Zerto Virtual Replication A New Approach to Disaster Recovery: Owning the Customer/Changing the Model/Creating a Platform	ZERTO0042514 - ZERTO0042519	403, 802		
DTX0303	2014-01-02	Email to J. Benkoski, et al. re P. Allerhand re Zerto Flash Update - 2013 Results	ZERTO0046248 - ZERTO0046249	403, 802		
DTX0304	2013-07-02	Letter to P. Allerhand from Kost, Forer, Gabbay & Kasierer	ZERTO0047449 - ZERTO0047450	403, 602, 703, 802		
DTX0305	n/a	Presentation "Mvware vCloud Hybrid Service (vCHS) ND Roadmap"	ZERTO0049474 - ZERTO0049526	403, 802		
DTX0306	2014-00-00	Zerto Virtual Manager Administration Guide, Version 3.5	ZERTO0055976 - ZERTO0056270	403, 802		
DTX0307	2009-04-00	IBM System Storage N Series, Redbooks	ZERTO0059721 - ZERTO0060480	401/402, 403, 602, 802, 901, 1002		
DTX0308	2013-06-01	Intercompany Agreement between Zerto, Inc. and Zerto Ltd.	ZERTO0060481 - ZERTO0060486	403, 802, Wrong/Duplicate Bates Range		
DTX0309	n/a	By-Laws of ZeRTO, Inc.	ZERTOLTD0009924 - ZERTOLTD0009937	401/402, 403, 802		
DTX0310	2011-05-17	State of Delaware Certificate of Incorporation of Zerto, Inc.	ZERTOLTD0009938 - ZERTOLTD0009941	401/402, 403, 802		
DTX0311	n/a	[REDACTED]	ZERTOSC000001	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

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DTX0315	n/a		ZERTOSC000006	401/402, 403, 602, 701, 702, 703, NEA		
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DTX0327	n/a		ZERTOSC000036 - ZERTOSC000037	401/402, 403, 602, 701, 702, 703, NEA		
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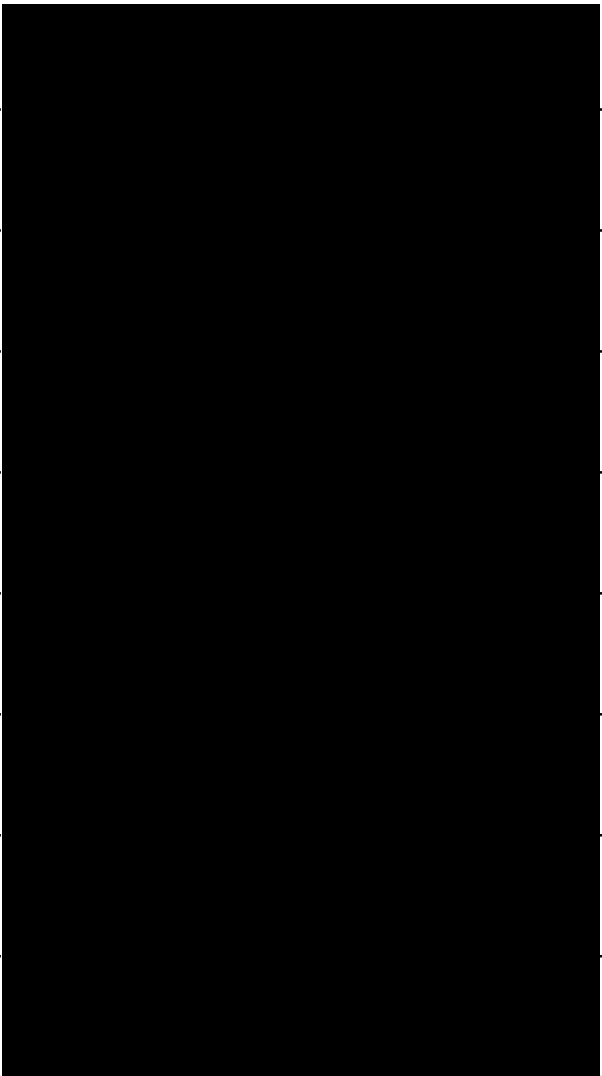
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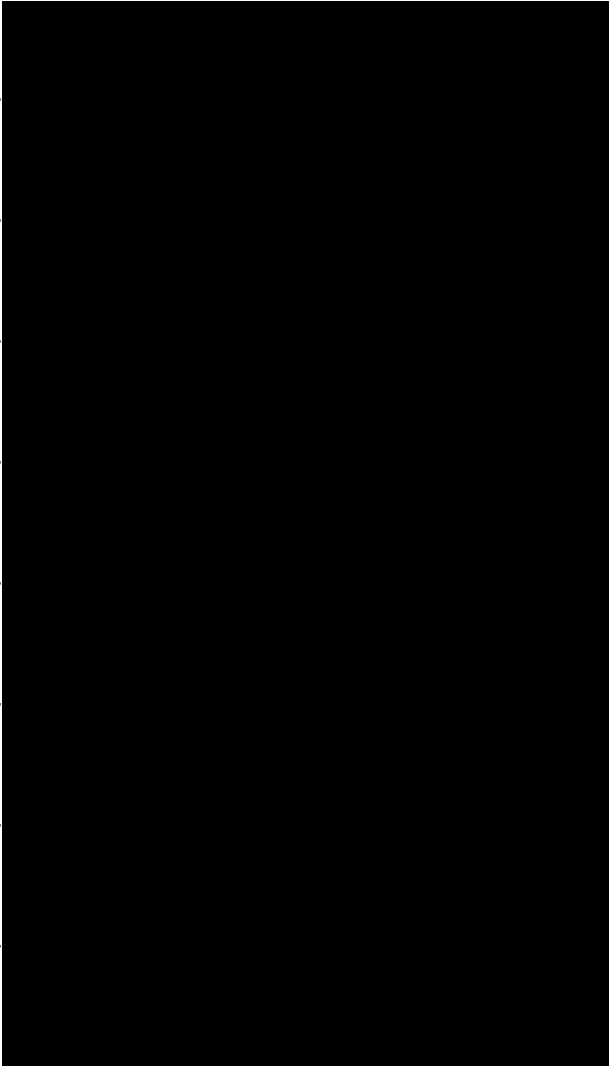
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DTX0341	n/a		ZERTOSC000121	401/402, 403, 602, 701, 702, 703, NEA		
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DTX0343	n/a		ZERTOSC000132	401/402, 403, 602, 701, 702, 703, NEA		
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DTX0345	n/a		ZERTOSC000135 - ZERTOSC000136	401/402, 403, 602, 701, 702, 703, NEA		
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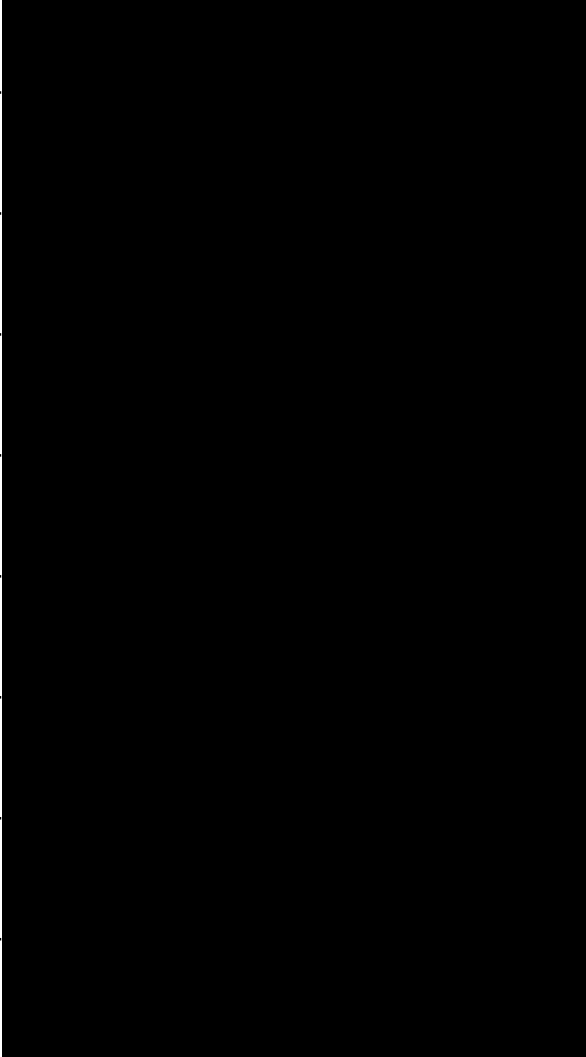
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ZERTO INC.'S EXHIBIT LIST

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DTX0361	n/a		ZERTOSC000209 - ZERTOSC000210	401/402, 403, 602, 701, 702, 703, NEA		
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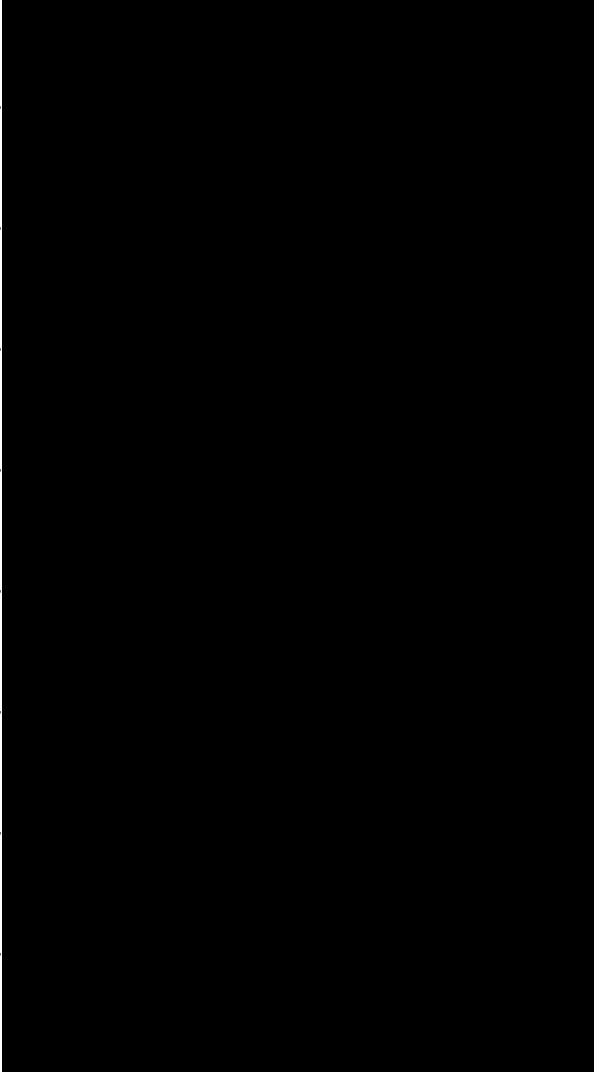
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ZERTO INC.'S EXHIBIT LIST

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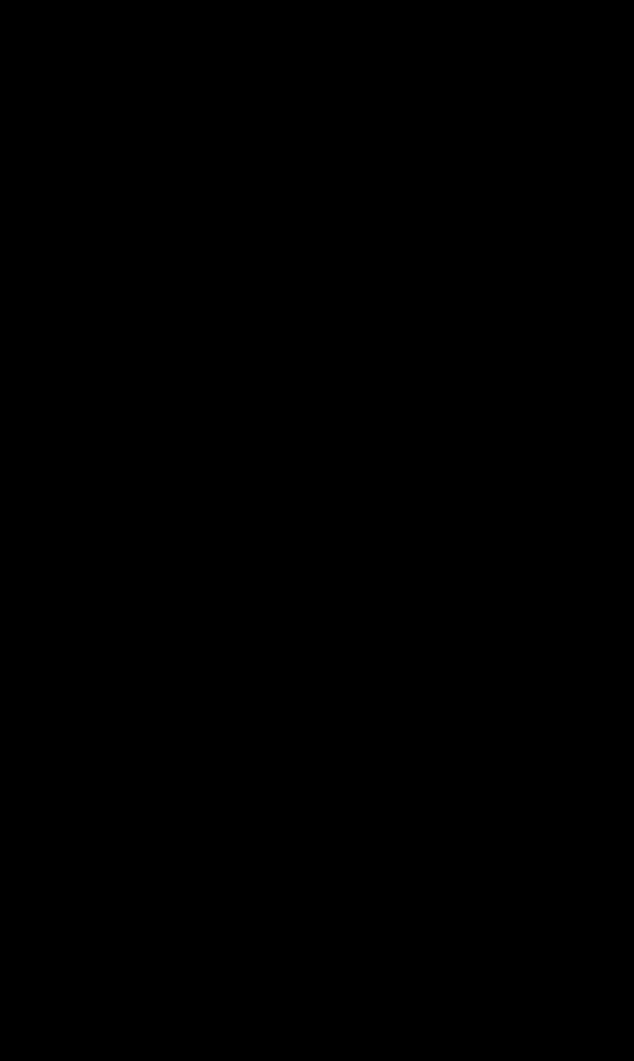
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ZERTO INC.'S EXHIBIT LIST

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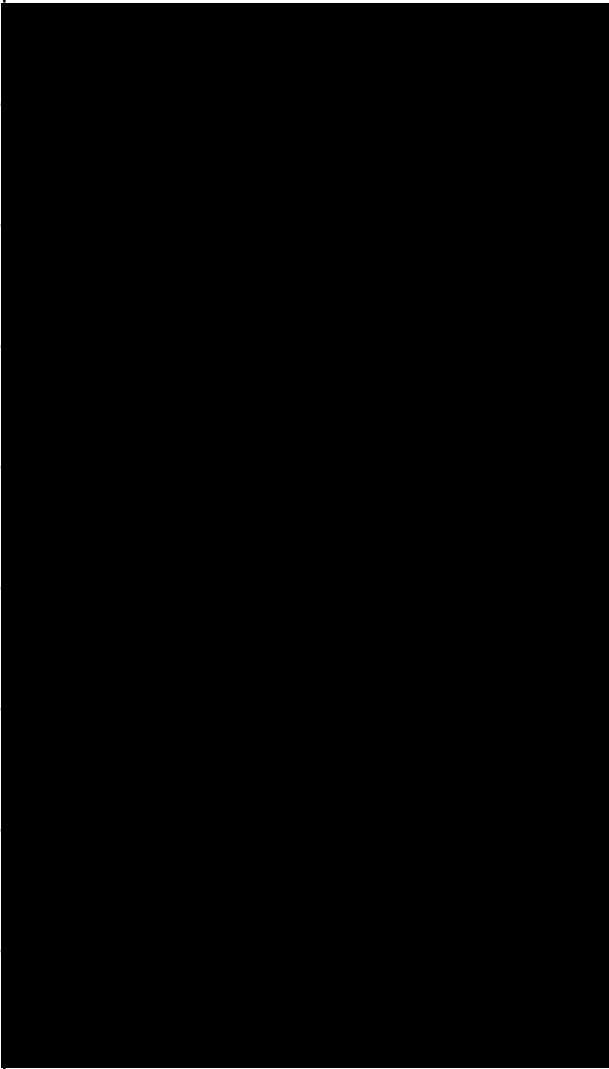
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DTX0437	n/a		ZERTOSC000621 - ZERTOSC000622	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0438	n/a		ZERTOSC000623	401/402, 403, 602, 701, 702, 703, NEA		
DTX0439	n/a		ZERTOSC000624 - ZERTOSC000626	401/402, 403, 602, 701, 702, 703, NEA		
DTX0440	n/a		ZERTOSC000627 - ZERTOSC000643	401/402, 403, 602, 701, 702, 703, NEA		
DTX0441	n/a		ZERTOSC000644 - ZERTOSC000695	401/402, 403, 602, 701, 702, 703, NEA		
DTX0442	n/a		ZERTOSC000696 - ZERTOSC000698	401/402, 403, 602, 701, 702, 703, NEA		
DTX0443	n/a		ZERTOSC000699 - ZERTOSC000704	401/402, 403, 602, 701, 702, 703, NEA		
DTX0444	n/a		ZERTOSC000705	401/402, 403, 602, 701, 702, 703, NEA		
DTX0445	n/a		ZERTOSC000706	401/402, 403, 602, 701, 702, 703, NEA		
DTX0446	n/a		ZERTOSC000707	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0447	n/a		ZERTOSC000708 - ZERTOSC000709	401/402, 403, 602, 701, 702, 703, NEA		
DTX0448	n/a		ZERTOSC000710	401/402, 403, 602, 701, 702, 703, NEA		
DTX0449	n/a		ZERTOSC000711 - ZERTOSC000712	401/402, 403, 602, 701, 702, 703, NEA		
DTX0450	n/a		ZERTOSC000713	401/402, 403, 602, 701, 702, 703, NEA		
DTX0451	n/a		ZERTOSC000714 - ZERTOSC000736	401/402, 403, 602, 701, 702, 703, NEA		
DTX0452	n/a		ZERTOSC000737 - ZERTOSC000742	401/402, 403, 602, 701, 702, 703, NEA		
DTX0453	n/a		ZERTOSC000743 - ZERTOSC000753	401/402, 403, 602, 701, 702, 703, NEA		
DTX0454	n/a		ZERTOSC000754 - ZERTOSC000756	401/402, 403, 602, 701, 702, 703, NEA		
DTX0455	n/a		ZERTOSC000757	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0456	n/a		ZERTOSC000758	401/402, 403, 602, 701, 702, 703, NEA		
DTX0457	n/a		ZERTOSC000759	401/402, 403, 602, 701, 702, 703, NEA		
DTX0458	n/a		ZERTOSC000760 - ZERTOSC000761	401/402, 403, 602, 701, 702, 703, NEA		
DTX0459	n/a		ZERTOSC000762	401/402, 403, 602, 701, 702, 703, NEA		
DTX0460	n/a		ZERTOSC000763	401/402, 403, 602, 701, 702, 703, NEA		
DTX0461	n/a		ZERTOSC000764	401/402, 403, 602, 701, 702, 703, NEA		
DTX0462	n/a		ZERTOSC000765 - ZERTOSC000767	401/402, 403, 602, 701, 702, 703, NEA		
DTX0463	n/a		ZERTOSC000768	401/402, 403, 602, 701, 702, 703, NEA		
DTX0464	n/a		ZERTOSC000769	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0465	n/a		ZERTOSC000770 - ZERTOSC000791	401/402, 403, 602, 701, 702, 703, NEA		
DTX0466	n/a		ZERTOSC000792 - ZERTOSC000795	401/402, 403, 602, 701, 702, 703, NEA		
DTX0467	n/a		ZERTOSC000796 - ZERTOSC000797	401/402, 403, 602, 701, 702, 703, NEA		
DTX0468	n/a		ZERTOSC000799	401/402, 403, 602, 701, 702, 703, NEA		
DTX0469	n/a		ZERTOSC000800 - ZERTOSC000801	401/402, 403, 602, 701, 702, 703, NEA		
DTX0470	n/a		ZERTOSC000802	401/402, 403, 602, 701, 702, 703, NEA		
DTX0471	n/a		ZERTOSC000803 - ZERTOSC000808	401/402, 403, 602, 701, 702, 703, NEA		
DTX0472	n/a		ZERTOSC000809 - ZERTOSC000810	401/402, 403, 602, 701, 702, 703, NEA		
DTX0473	n/a		ZERTOSC000811	401/402, 403, 602, 701, 702, 703, NEA		

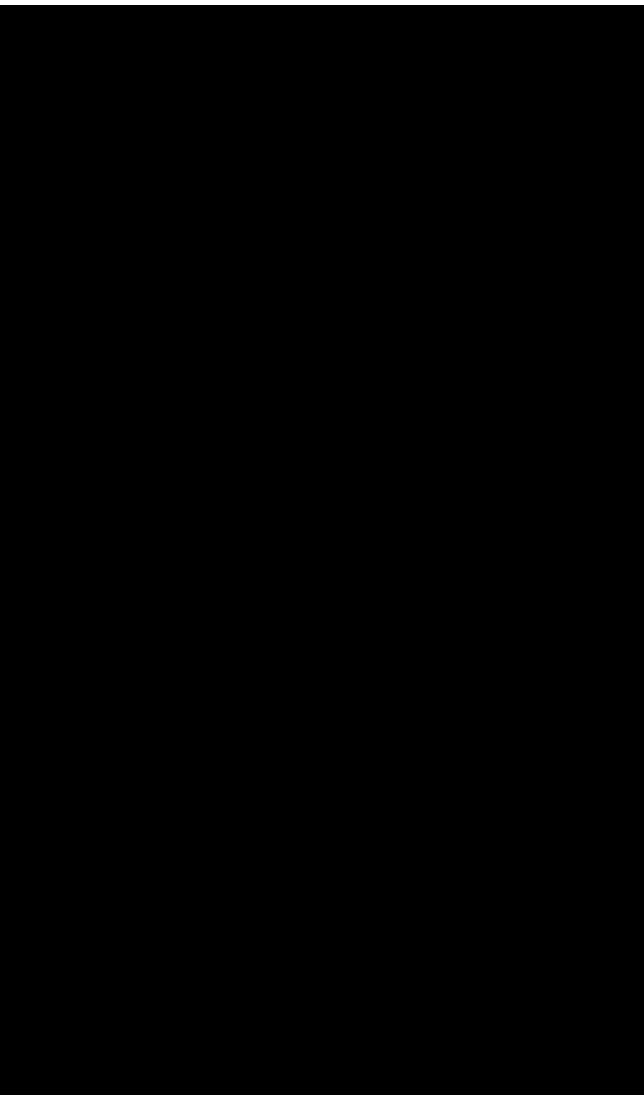
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0474	n/a		ZERTOSC000812 - ZERTOSC000851	401/402, 403, 602, 701, 702, 703, NEA		
DTX0475	n/a		ZERTOSC000852 - ZERTOSC000854	401/402, 403, 602, 701, 702, 703, NEA		
DTX0476	n/a		ZERTOSC000855 - ZERTOSC000856	401/402, 403, 602, 701, 702, 703, NEA		
DTX0477	n/a		ZERTOSC000857	401/402, 403, 602, 701, 702, 703, NEA		
DTX0478	n/a		ZERTOSC000858 - ZERTOSC000859	401/402, 403, 602, 701, 702, 703, NEA		
DTX0479	n/a		ZERTOSC000860	401/402, 403, 602, 701, 702, 703, NEA		
DTX0480	n/a		ZERTOSC000861 - ZERTOSC000863	401/402, 403, 602, 701, 702, 703, NEA		
DTX0481	n/a		ZERTOSC000864	401/402, 403, 602, 701, 702, 703, NEA		
DTX0482	n/a		ZERTOSC000865 - ZERTOSC000869	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0483	n/a		ZERTOSC000870	401/402, 403, 602, 701, 702, 703, NEA		
DTX0484	n/a		ZERTOSC000871 - ZERTOSC000872	401/402, 403, 602, 701, 702, 703, NEA		
DTX0485	n/a		ZERTOSC000873 - ZERTOSC000875	401/402, 403, 602, 701, 702, 703, NEA		
DTX0486	n/a		ZERTOSC000876	401/402, 403, 602, 701, 702, 703, NEA		
DTX0487	n/a		ZERTOSC000877 - ZERTOSC000915	401/402, 403, 602, 701, 702, 703, NEA		
DTX0488	n/a		ZERTOSC000916 - ZERTOSC000920	401/402, 403, 602, 701, 702, 703, NEA		
DTX0489	n/a		ZERTOSC000921	401/402, 403, 602, 701, 702, 703, NEA		
DTX0490	n/a		ZERTOSC000922	401/402, 403, 602, 701, 702, 703, NEA		
DTX0491	n/a		ZERTOSC000923 - ZERTOSC000926	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0492	n/a		ZERTOSC000927	401/402, 403, 602, 701, 702, 703, NEA		
DTX0493	n/a		ZERTOSC000928 - ZERTOSC000931	401/402, 403, 602, 701, 702, 703, NEA		
DTX0494	n/a		ZERTOSC000932	401/402, 403, 602, 701, 702, 703, NEA		
DTX0495	n/a		ZERTOSC000933 - ZERTOSC000934	401/402, 403, 602, 701, 702, 703, NEA		
DTX0496	n/a		ZERTOSC000935	401/402, 403, 602, 701, 702, 703, NEA		
DTX0497	n/a		ZERTOSC000936 - ZERTOSC000938	401/402, 403, 602, 701, 702, 703, NEA		
DTX0498	n/a		ZERTOSC000939	401/402, 403, 602, 701, 702, 703, NEA		
DTX0499	n/a		ZERTOSC000940 - ZERTOSC000941	401/402, 403, 602, 701, 702, 703, NEA		
DTX0500	n/a		ZERTOSC000942	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0501	n/a		ZERTOSC000943 - ZERTOSC000954	401/402, 403, 602, 701, 702, 703, NEA		
DTX0502	n/a		ZERTOSC000955 - ZERTOSC000956	401/402, 403, 602, 701, 702, 703, NEA		
DTX0503	n/a		ZERTOSC000957 - ZERTOSC000959	401/402, 403, 602, 701, 702, 703, NEA		
DTX0504	n/a		ZERTOSC000960	401/402, 403, 602, 701, 702, 703, NEA		
DTX0505	n/a		ZERTOSC000961 - ZERTOSC000962	401/402, 403, 602, 701, 702, 703, NEA		
DTX0506	n/a		ZERTOSC000963 - ZERTOSC000966	401/402, 403, 602, 701, 702, 703, NEA		
DTX0507	n/a		ZERTOSC000967- ZERTOSC000968	401/402, 403, 602, 701, 702, 703, NEA		
DTX0508	n/a		ZERTOSC000969 - ZERTOSC000970	401/402, 403, 602, 701, 702, 703, NEA		
DTX0509	n/a		ZERTOSC000971 - ZERTOSC000973	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0510	n/a		ZERTOSC000974	401/402, 403, 602, 701, 702, 703, NEA		
DTX0511	n/a		ZERTOSC000975 - ZERTOSC000986	401/402, 403, 602, 701, 702, 703, NEA		
DTX0512	n/a		ZERTOSC000987 - ZERTOSC000989	401/402, 403, 602, 701, 702, 703, NEA		
DTX0513	n/a		ZERTOSC000990 - ZERTOSC000992	401/402, 403, 602, 701, 702, 703, NEA		
DTX0514	n/a		ZERTOSC000993 - ZERTOSC000994	401/402, 403, 602, 701, 702, 703, NEA		
DTX0515	n/a		ZERTOSC000995	401/402, 403, 602, 701, 702, 703, NEA		
DTX0516	n/a		ZERTOSC000996	401/402, 403, 602, 701, 702, 703, NEA		
DTX0517	n/a		ZERTOSC000997 - ZERTOSC000999	401/402, 403, 602, 701, 702, 703, NEA		
DTX0518	n/a		ZERTOSC001000	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0519	n/a		ZERTOSC001001 - ZERTOSC001025	401/402, 403, 602, 701, 702, 703, NEA		
DTX0520	n/a		ZERTOSC001026 - ZERTOSC001028	401/402, 403, 602, 701, 702, 703, NEA		
DTX0521	n/a		ZERTOSC001029 - ZERTOSC001030	401/402, 403, 602, 701, 702, 703, NEA		
DTX0522	n/a		ZERTOSC001031	401/402, 403, 602, 701, 702, 703, NEA		
DTX0523	n/a		ZERTOSC001032	401/402, 403, 602, 701, 702, 703, NEA		
DTX0524	n/a		ZERTOSC001033 - ZERTOSC001035	401/402, 403, 602, 701, 702, 703, NEA		
DTX0525	n/a		ZERTOSC001036	401/402, 403, 602, 701, 702, 703, NEA		
DTX0526	n/a		ZERTOSC001037 - ZERTOSC001064	401/402, 403, 602, 701, 702, 703, NEA		
DTX0527	n/a		ZERTOSC001065 - ZERTOSC001069	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0528	n/a		ZERTOSC001070	401/402, 403, 602, 701, 702, 703, NEA		
DTX0529	n/a		ZERTOSC001071 - ZERTOSC001072	401/402, 403, 602, 701, 702, 703, NEA		
DTX0530	n/a		ZERTOSC001073	401/402, 403, 602, 701, 702, 703, NEA		
DTX0531	n/a		ZERTOSC001074 - ZERTOSC001075	401/402, 403, 602, 701, 702, 703, NEA		
DTX0532	n/a		ZERTOSC001076	401/402, 403, 602, 701, 702, 703, NEA		
DTX0533	n/a		ZERTOSC001077	401/402, 403, 602, 701, 702, 703, NEA		
DTX0534	n/a		ZERTOSC001078 - ZERTOSC001079	401/402, 403, 602, 701, 702, 703, NEA		
DTX0535	n/a		ZERTOSC001081	401/402, 403, 602, 701, 702, 703, NEA		
DTX0536	n/a		ZERTOSC001082	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0537	n/a		ZERTOSC001083 - ZERTOSC001085	401/402, 403, 602, 701, 702, 703, NEA		
DTX0538	n/a		ZERTOSC001086	401/402, 403, 602, 701, 702, 703, NEA		
DTX0539	n/a		ZERTOSC001087 - ZERTOSC001090	401/402, 403, 602, 701, 702, 703, NEA		
DTX0540	n/a		ZERTOSC001091 - ZERTOSC001092	401/402, 403, 602, 701, 702, 703, NEA		
DTX0541	n/a		ZERTOSC001093 - ZERTOSC001097	401/402, 403, 602, 701, 702, 703, NEA		
DTX0542	n/a		ZERTOSC001098	401/402, 403, 602, 701, 702, 703, NEA		
DTX0543	n/a		ZERTOSC001099	401/402, 403, 602, 701, 702, 703, NEA		
DTX0544	n/a		ZERTOSC001100 - ZERTOSC001102	401/402, 403, 602, 701, 702, 703, NEA		
DTX0545	n/a		ZERTOSC001103	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0546	n/a		ZERTOSC001104 - ZERTOSC001105	401/402, 403, 602, 701, 702, 703, NEA		
DTX0547	n/a		ZERTOSC001106	401/402, 403, 602, 701, 702, 703, NEA		
DTX0548	n/a		ZERTOSC001107	401/402, 403, 602, 701, 702, 703, NEA		
DTX0549	n/a		ZERTOSC001108 - ZERTOSC001109	401/402, 403, 602, 701, 702, 703, NEA		
DTX0550	n/a		ZERTOSC001110	401/402, 403, 602, 701, 702, 703, NEA		
DTX0551	n/a		ZERTOSC001111	401/402, 403, 602, 701, 702, 703, NEA		
DTX0552	n/a		ZERTOSC001112 - ZERTOSC001115	401/402, 403, 602, 701, 702, 703, NEA		
DTX0553	n/a		ZERTOSC001116 - ZERTOSC001127	401/402, 403, 602, 701, 702, 703, NEA		
DTX0554	n/a		ZERTOSC001128 - ZERTOSC001130	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0555	n/a		ZERTOSC001131 - ZERTOSC001138	401/402, 403, 602, 701, 702, 703, NEA		
DTX0556	n/a		ZERTOSC001139 - ZERTOSC001140	401/402, 403, 602, 701, 702, 703, NEA		
DTX0557	n/a		ZERTOSC001141	401/402, 403, 602, 701, 702, 703, NEA		
DTX0558	n/a		ZERTOSC001142	401/402, 403, 602, 701, 702, 703, NEA		
DTX0559	n/a		ZERTOSC001143	401/402, 403, 602, 701, 702, 703, NEA		
DTX0560	n/a		ZERTOSC001144	401/402, 403, 602, 701, 702, 703, NEA		
DTX0561	n/a		ZERTOSC001145	401/402, 403, 602, 701, 702, 703, NEA		
DTX0562	n/a		ZERTOSC001146 - ZERTOSC001147	401/402, 403, 602, 701, 702, 703, NEA		
DTX0563	n/a		ZERTOSC001148 - ZERTOSC001202	401/402, 403, 602, 701, 702, 703, NEA		

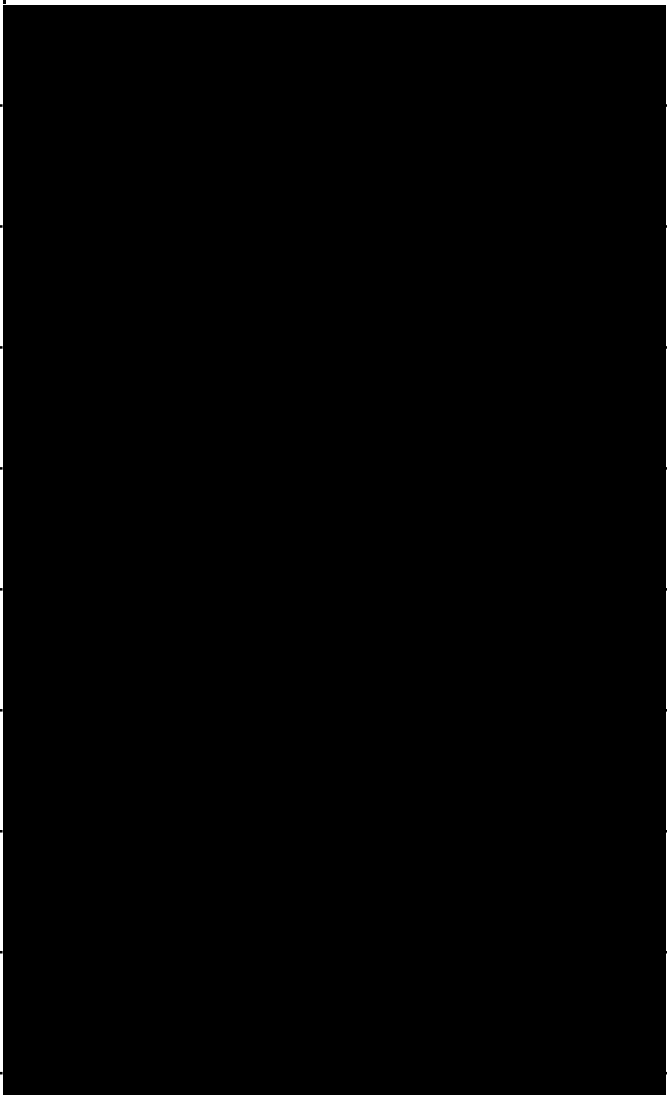
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0564	n/a		ZERTOSC001203 - ZERTOSC001206	401/402, 403, 602, 701, 702, 703, NEA		
DTX0565	n/a		ZERTOSC001207	401/402, 403, 602, 701, 702, 703, NEA		
DTX0566	n/a		ZERTOSC001208	401/402, 403, 602, 701, 702, 703, NEA		
DTX0567	n/a		ZERTOSC001209	401/402, 403, 602, 701, 702, 703, NEA		
DTX0568	n/a		ZERTOSC001210 - ZERTOSC001211	401/402, 403, 602, 701, 702, 703, NEA		
DTX0569	n/a		ZERTOSC001212 - ZERTOSC001214	401/402, 403, 602, 701, 702, 703, NEA		
DTX0570	n/a		ZERTOSC001215 - ZERTOSC001219	401/402, 403, 602, 701, 702, 703, NEA		
DTX0571	n/a		ZERTOSC001220	401/402, 403, 602, 701, 702, 703, NEA		
DTX0572	n/a		ZERTOSC001221 - ZERTOSC001224	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0573	n/a		ZERTOSC001225	401/402, 403, 602, 701, 702, 703, NEA		
DTX0574	n/a		ZERTOSC001226 - ZERTOSC001232	401/402, 403, 602, 701, 702, 703, NEA		
DTX0575	n/a		ZERTOSC001233 - ZERTOSC001237	401/402, 403, 602, 701, 702, 703, NEA		
DTX0576	n/a		ZERTOSC001238 - ZERTOSC001260	401/402, 403, 602, 701, 702, 703, NEA		
DTX0577	n/a		ZERTOSC001261	401/402, 403, 602, 701, 702, 703, NEA		
DTX0578	n/a		ZERTOSC001262 - ZERTOSC001264	401/402, 403, 602, 701, 702, 703, NEA		
DTX0579	n/a		ZERTOSC001265 - ZERTOSC001267	401/402, 403, 602, 701, 702, 703, NEA		
DTX0580	n/a		ZERTOSC001268	401/402, 403, 602, 701, 702, 703, NEA		
DTX0581	n/a		ZERTOSC001269	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0582	n/a		ZERTOSC001270	401/402, 403, 602, 701, 702, 703, NEA		
DTX0583	n/a		ZERTOSC001271	401/402, 403, 602, 701, 702, 703, NEA		
DTX0584	n/a		ZERTOSC001272 - ZERTOSC001275	401/402, 403, 602, 701, 702, 703, NEA		
DTX0585	n/a		ZERTOSC001276	401/402, 403, 602, 701, 702, 703, NEA		
DTX0586	n/a		ZERTOSC001277 - ZERTOSC001281	401/402, 403, 602, 701, 702, 703, NEA		
DTX0587	n/a		ZERTOSC001282	401/402, 403, 602, 701, 702, 703, NEA		
DTX0588	n/a		ZERTOSC001283 - ZERTOSC001293	401/402, 403, 602, 701, 702, 703, NEA		
DTX0589	n/a		ZERTOSC001294 - ZERTOSC001296	401/402, 403, 602, 701, 702, 703, NEA		
DTX0590	n/a		ZERTOSC001297	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0591	n/a		ZERTOSC001298	401/402, 403, 602, 701, 702, 703, NEA		
DTX0592	n/a		ZERTOSC001299 - ZERTOSC001302	401/402, 403, 602, 701, 702, 703, NEA		
DTX0593	n/a		ZERTOSC001303 - ZERTOSC001304	401/402, 403, 602, 701, 702, 703, NEA		
DTX0594	n/a		ZERTOSC001305 ZERTOSC001311	401/402, 403, 602, 701, 702, 703, NEA		
DTX0595	n/a		ZERTOSC001312	401/402, 403, 602, 701, 702, 703, NEA		
DTX0596	n/a		ZERTOSC001313	401/402, 403, 602, 701, 702, 703, NEA		
DTX0597	n/a		ZERTOSC001314	401/402, 403, 602, 701, 702, 703, NEA		
DTX0598	n/a		ZERTOSC001315	401/402, 403, 602, 701, 702, 703, NEA		
DTX0599	n/a		ZERTOSC001316	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0600	n/a		ZERTOSC001317 - ZERTOSC001318	401/402, 403, 602, 701, 702, 703, NEA		
DTX0601	n/a		ZERTOSC001319 - ZERTOSC001320	401/402, 403, 602, 701, 702, 703, NEA		
DTX0602	n/a		ZERTOSC001321 - ZERTOSC001322	401/402, 403, 602, 701, 702, 703, NEA		
DTX0603	n/a		ZERTOSC001323 - ZERTOSC001329	401/402, 403, 602, 701, 702, 703, NEA		
DTX0604	n/a		ZERTOSC001330 - ZERTOSC001331	401/402, 403, 602, 701, 702, 703, NEA		
DTX0605	n/a		ZERTOSC001332	401/402, 403, 602, 701, 702, 703, NEA		
DTX0606	n/a		ZERTOSC001333	401/402, 403, 602, 701, 702, 703, NEA		
DTX0607	n/a		ZERTOSC001334 - ZERTOSC001335	401/402, 403, 602, 701, 702, 703, NEA		
DTX0608	n/a		ZERTOSC001336 - ZERTOSC001337	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0609	n/a		ZERTOSC001338 - ZERTOSC001339	401/402, 403, 602, 701, 702, 703, NEA		
DTX0610	n/a		ZERTOSC001340	401/402, 403, 602, 701, 702, 703, NEA		
DTX0611	n/a		ZERTOSC001341	401/402, 403, 602, 701, 702, 703, NEA		
DTX0612	n/a		ZERTOSC001342- ZERTOSC001343	401/402, 403, 602, 701, 702, 703, NEA		
DTX0613	n/a		ZERTOSC001344	401/402, 403, 602, 701, 702, 703, NEA		
DTX0614	n/a		ZERTOSC001345 - ZERTOSC001348	401/402, 403, 602, 701, 702, 703, NEA		
DTX0615	n/a		ZERTOSC001349 - ZERTOSC001350	401/402, 403, 602, 701, 702, 703, NEA		
DTX0616	n/a		ZERTOSC001351	401/402, 403, 602, 701, 702, 703, NEA		
DTX0617	n/a		ZERTOSC001352 - ZERTOSC001353	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0618	n/a		ZERTOSC001354 - ZERTOSC001355	401/402, 403, 602, 701, 702, 703, NEA		
DTX0619	n/a		ZERTOSC001356 - ZERTOSC001358	401/402, 403, 602, 701, 702, 703, NEA		
DTX0620	n/a		ZERTOSC001359 - ZERTOSC001360	401/402, 403, 602, 701, 702, 703, NEA		
DTX0621	n/a		ZERTOSC001361 - ZERTOSC001370	401/402, 403, 602, 701, 702, 703, NEA		
DTX0622	n/a		ZERTOSC001371 - ZERTOSC001372	401/402, 403, 602, 701, 702, 703, NEA		
DTX0623	n/a		ZERTOSC001373	401/402, 403, 602, 701, 702, 703, NEA		
DTX0624	n/a		ZERTOSC001374 - ZERTOSC001375	401/402, 403, 602, 701, 702, 703, NEA		
DTX0625	n/a		ZERTOSC001376	401/402, 403, 602, 701, 702, 703, NEA		
DTX0626	n/a		ZERTOSC001377	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0627	n/a		ZERTOSC001378	401/402, 403, 602, 701, 702, 703, NEA		
DTX0628	n/a		ZERTOSC001379 - ZERTOSC001380	401/402, 403, 602, 701, 702, 703, NEA		
DTX0629	n/a		ZERTOSC001381	401/402, 403, 602, 701, 702, 703, NEA		
DTX0630	n/a		ZERTOSC001382	401/402, 403, 602, 701, 702, 703, NEA		
DTX0631	n/a		ZERTOSC001383	401/402, 403, 602, 701, 702, 703, NEA		
DTX0632	n/a		ZERTOSC001384 - ZERTOSC001395	401/402, 403, 602, 701, 702, 703, NEA		
DTX0633	n/a		ZERTOSC001396 - ZERTOSC001397	401/402, 403, 602, 701, 702, 703, NEA		
DTX0634	n/a		ZERTOSC001398 - ZERTOSC001400	401/402, 403, 602, 701, 702, 703, NEA		
DTX0635	n/a		ZERTOSC001401	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0636	n/a		ZERTOSC001402 - ZERTOSC001407	401/402, 403, 602, 701, 702, 703, NEA		
DTX0637	n/a		ZERTOSC001408 - ZERTOSC001409	401/402, 403, 602, 701, 702, 703, NEA		
DTX0638	n/a		ZERTOSC001410 - ZERTOSC001411	401/402, 403, 602, 701, 702, 703, NEA		
DTX0639	n/a		ZERTOSC001412	401/402, 403, 602, 701, 702, 703, NEA		
DTX0640	n/a		ZERTOSC001413	401/402, 403, 602, 701, 702, 703, NEA		
DTX0641	n/a		ZERTOSC001414	401/402, 403, 602, 701, 702, 703, NEA		
DTX0642	n/a		ZERTOSC001415 - ZERTOSC001416	401/402, 403, 602, 701, 702, 703, NEA		
DTX0643	n/a		ZERTOSC001417 - ZERTOSC001422	401/402, 403, 602, 701, 702, 703, NEA		
DTX0644	n/a		ZERTOSC001423 - ZERTOSC001424	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0645	n/a		ZERTOSC001425	401/402, 403, 602, 701, 702, 703, NEA		
DTX0646	n/a		ZERTOSC001426	401/402, 403, 602, 701, 702, 703, NEA		
DTX0647	n/a		ZERTOSC001427	401/402, 403, 602, 701, 702, 703, NEA		
DTX0648	n/a		ZERTOSC001428	401/402, 403, 602, 701, 702, 703, NEA		
DTX0649	n/a		ZERTOSC001429	401/402, 403, 602, 701, 702, 703, NEA		
DTX0650	n/a		ZERTOSC001430 - ZERTOSC001436	401/402, 403, 602, 701, 702, 703, NEA		
DTX0651	n/a		ZERTOSC001437 - ZERTOSC001442	401/402, 403, 602, 701, 702, 703, NEA		
DTX0652	n/a		ZERTOSC001443	401/402, 403, 602, 701, 702, 703, NEA		
DTX0653	n/a		ZERTOSC001444 - ZERTOSC001448	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0654	n/a		ZERTOSC001449 - ZERTOSC001450	401/402, 403, 602, 701, 702, 703, NEA		
DTX0655	n/a		ZERTOSC001451 - ZERTOSC001464	401/402, 403, 602, 701, 702, 703, NEA		
DTX0656	n/a		ZERTOSC001465 - ZERTOSC001467	401/402, 403, 602, 701, 702, 703, NEA		
DTX0657	n/a		ZERTOSC001468 - ZERTOSC001471	401/402, 403, 602, 701, 702, 703, NEA		
DTX0658	n/a		ZERTOSC001472 - ZERTOSC001475	401/402, 403, 602, 701, 702, 703, NEA		
DTX0659	n/a		ZERTOSC001476 - ZERTOSC001478	401/402, 403, 602, 701, 702, 703, NEA		
DTX0660	n/a		ZERTOSC001479	401/402, 403, 602, 701, 702, 703, NEA		
DTX0661	n/a		ZERTOSC001480 - ZERTOSC001482	401/402, 403, 602, 701, 702, 703, NEA		
DTX0662	n/a		ZERTOSC001483	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0663	n/a		ZERTOSC001484 - ZERTOSC001485	401/402, 403, 602, 701, 702, 703, NEA		
DTX0664	n/a		ZERTOSC001486 - ZERTOSC001487	401/402, 403, 602, 701, 702, 703, NEA		
DTX0665	n/a		ZERTOSC001488 - ZERTOSC001503	401/402, 403, 602, 701, 702, 703, NEA		
DTX0666	n/a		ZERTOSC001504 - ZERTOSC001509	401/402, 403, 602, 701, 702, 703, NEA		
DTX0667	n/a		ZERTOSC001510 - ZERTOSC001511	401/402, 403, 602, 701, 702, 703, NEA		
DTX0668	n/a		ZERTOSC001512 - ZERTOSC001527	401/402, 403, 602, 701, 702, 703, NEA		
DTX0669	n/a		ZERTOSC001528 - ZERTOSC001531	401/402, 403, 602, 701, 702, 703, NEA		
DTX0670	n/a		ZERTOSC001532 - ZERTOSC001536	401/402, 403, 602, 701, 702, 703, NEA		
DTX0671	n/a		ZERTOSC001537	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0672	n/a		ERTOSC001538 - ERTOSC001540	401/402, 403, 602, 701, 702, 703, NEA		
DTX0673	n/a		ERTOSC001541	401/402, 403, 602, 701, 702, 703, NEA		
DTX0674	n/a		ERTOSC001542 - ERTOSC001546	401/402, 403, 602, 701, 702, 703, NEA		
DTX0675	n/a		ERTOSC001547	401/402, 403, 602, 701, 702, 703, NEA		
DTX0676	n/a		ERTOSC001548 - ERTOSC001572	401/402, 403, 602, 701, 702, 703, NEA		
DTX0677	n/a		ERTOSC001573 - ERTOSC001577	401/402, 403, 602, 701, 702, 703, NEA		
DTX0678	n/a		ERTOSC001578 - ERTOSC001589	401/402, 403, 602, 701, 702, 703, NEA		
DTX0679	n/a		ERTOSC001590 - ERTOSC001593	401/402, 403, 602, 701, 702, 703, NEA		
DTX0680	n/a		ERTOSC001594 - ERTOSC001618	401/402, 403, 602, 701, 702, 703, NEA		

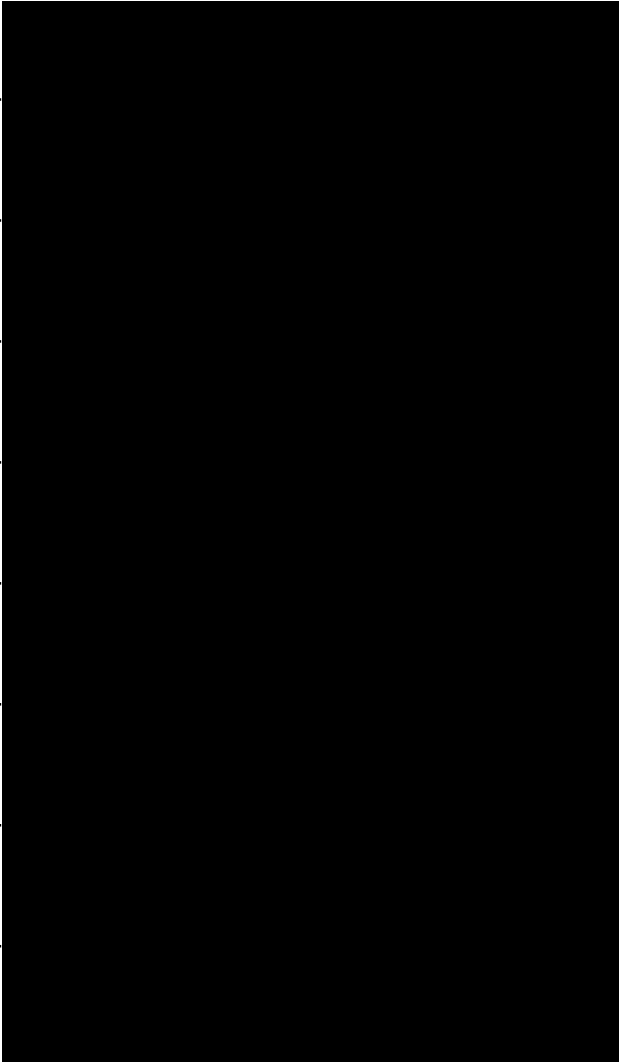
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0681	n/a		ZERTOSC001619 - ZERTOSC001624	401/402, 403, 602, 701, 702, 703, NEA		
DTX0682	n/a		ZERTOSC001625 - ZERTOSC001631	401/402, 403, 602, 701, 702, 703, NEA		
DTX0683	n/a		ZERTOSC001632 - ZERTOSC001633	401/402, 403, 602, 701, 702, 703, NEA		
DTX0684	n/a		ZERTOSC001634 - ZERTOSC001642	401/402, 403, 602, 701, 702, 703, NEA		
DTX0685	n/a		ZERTOSC001643 - ZERTOSC001644	401/402, 403, 602, 701, 702, 703, NEA		
DTX0686	n/a		ZERTOSC001645 - ZERTOSC001650	401/402, 403, 602, 701, 702, 703, NEA		
DTX0687	n/a		ZERTOSC001651 - ZERTOSC001653	401/402, 403, 602, 701, 702, 703, NEA		
DTX0688	n/a		ZERTOSC001654 - ZERTOSC001657	401/402, 403, 602, 701, 702, 703, NEA		
DTX0689	n/a		ZERTOSC001658	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0690	n/a		ZERTOSC001659 - ZERTOSC001660	401/402, 403, 602, 701, 702, 703, NEA		
DTX0691	n/a		ZERTOSC001661 - ZERTOSC001668	401/402, 403, 602, 701, 702, 703, NEA		
DTX0692	n/a		ZERTOSC001669	401/402, 403, 602, 701, 702, 703, NEA		
DTX0693	n/a		ZERTOSC001670	401/402, 403, 602, 701, 702, 703, NEA		
DTX0694	n/a		ZERTOSC001671	401/402, 403, 602, 701, 702, 703, NEA		
DTX0695	n/a		ZERTOSC001672 - ZERTOSC001676	401/402, 403, 602, 701, 702, 703, NEA		
DTX0696	n/a		ZERTOSC001677 - ZERTOSC001678	401/402, 403, 602, 701, 702, 703, NEA		
DTX0697	n/a		ZERTOSC001679	401/402, 403, 602, 701, 702, 703, NEA		
DTX0698	n/a		ZERTOSC001680 - ZERTOSC001682	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0699	n/a		ZERTOSC001683 - ZERTOSC001684	401/402, 403, 602, 701, 702, 703, NEA		
DTX0700	n/a		ZERTOSC001685	401/402, 403, 602, 701, 702, 703, NEA		
DTX0701	n/a		ZERTOSC001686 - ZERTOSC001687	401/402, 403, 602, 701, 702, 703, NEA		
DTX0702	n/a		ZERTOSC001688 - ZERTOSC001691	401/402, 403, 602, 701, 702, 703, NEA		
DTX0703	n/a		ZERTOSC001692 - ZERTOSC001693	401/402, 403, 602, 701, 702, 703, NEA		
DTX0704	n/a		ZERTOSC001694 - ZERTOSC001695	401/402, 403, 602, 701, 702, 703, NEA		
DTX0705	n/a		ZERTOSC001696 - ZERTOSC001697	401/402, 403, 602, 701, 702, 703, NEA		
DTX0706	n/a		ZERTOSC001698 - ZERTOSC001699	401/402, 403, 602, 701, 702, 703, NEA		
DTX0707	n/a		ZERTOSC001700 - ZERTOSC001701	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0708	n/a		ZERTOSC001702 - ZERTOSC001708	401/402, 403, 602, 701, 702, 703, NEA		
DTX0709	n/a		ZERTOSC001709 - ZERTOSC001710	401/402, 403, 602, 701, 702, 703, NEA		
DTX0710	n/a		ZERTOSC001711	401/402, 403, 602, 701, 702, 703, NEA		
DTX0711	n/a		ZERTOSC001712 - ZERTOSC001719	401/402, 403, 602, 701, 702, 703, NEA		
DTX0712	n/a		ZERTOSC001720 - ZERTOSC001722	401/402, 403, 602, 701, 702, 703, NEA		
DTX0713	n/a		ZERTOSC001723 - ZERTOSC001727	401/402, 403, 602, 701, 702, 703, NEA		
DTX0714	n/a		ZERTOSC001728 - ZERTOSC001729	401/402, 403, 602, 701, 702, 703, NEA		
DTX0715	n/a		ZERTOSC001730	401/402, 403, 602, 701, 702, 703, NEA		
DTX0716	n/a		ZERTOSC001731	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE		BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0717	n/a		ZERTOSC001732	401/402, 403, 602, 701, 702, 703, NEA		
DTX0718	n/a		ZERTOSC001733	401/402, 403, 602, 701, 702, 703, NEA		
DTX0719	n/a		ZERTOSC001734 - ZERTOSC001735	401/402, 403, 602, 701, 702, 703, NEA		
DTX0720	n/a		ZERTOSC001736 - ZERTOSC001737	401/402, 403, 602, 701, 702, 703, NEA		
DTX0721	n/a		ZERTOSC001738	401/402, 403, 602, 701, 702, 703, NEA		
DTX0722	n/a		ZERTOSC001739 - ZERTOSC001744	401/402, 403, 602, 701, 702, 703, NEA		
DTX0723	n/a		ZERTOSC001745 - ZERTOSC001746	401/402, 403, 602, 701, 702, 703, NEA		
DTX0724	n/a		ZERTOSC001747 - ZERTOSC001756	401/402, 403, 602, 701, 702, 703, NEA		
DTX0725	n/a		ZERTOSC001757 - ZERTOSC001759	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0726	n/a		ZERTOSC001760	401/402, 403, 602, 701, 702, 703, NEA		
DTX0727	n/a		ZERTOSC001761	401/402, 403, 602, 701, 702, 703, NEA		
DTX0728	n/a		ZERTOSC001762	401/402, 403, 602, 701, 702, 703, NEA		
DTX0729	n/a		ZERTOSC001763- ZERTOSC001774	401/402, 403, 602, 701, 702, 703, NEA		
DTX0730	n/a		ZERTOSC001775	401/402, 403, 602, 701, 702, 703, NEA		
DTX0731	n/a		ZERTOSC001776	401/402, 403, 602, 701, 702, 703, NEA		
DTX0732	n/a		ZERTOSC001777 - ZERTOSC001778	401/402, 403, 602, 701, 702, 703, NEA		
DTX0733	n/a		ZERTOSC001779	401/402, 403, 602, 701, 702, 703, NEA		
DTX0734	n/a		ZERTOSC001780- ZERTOSC001781	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0735	n/a		ZERTOSC001782	401/402, 403, 602, 701, 702, 703, NEA		
DTX0736	n/a		ZERTOSC001783 - ZERTOSC001785	401/402, 403, 602, 701, 702, 703, NEA		
DTX0737	n/a		ZERTOSC001786	401/402, 403, 602, 701, 702, 703, NEA		
DTX0738	n/a		ZERTOSC001787	401/402, 403, 602, 701, 702, 703, NEA		
DTX0739	n/a		ZERTOSC001788	401/402, 403, 602, 701, 702, 703, NEA		
DTX0740	n/a		ZERTOSC001789	401/402, 403, 602, 701, 702, 703, NEA		
DTX0741	n/a		ZERTOSC001790 - ZERTOSC001792	401/402, 403, 602, 701, 702, 703, NEA		
DTX0742	n/a		ZERTOSC001793	401/402, 403, 602, 701, 702, 703, NEA		
DTX0743	n/a		ZERTOSC001794 - ZERTOSC001795	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0744	n/a		ZERTOSC001796 - ZERTOSC001797	401/402, 403, 602, 701, 702, 703, NEA		
DTX0745	n/a		ZERTOSC001798 - ZERTOSC001800	401/402, 403, 602, 701, 702, 703, NEA		
DTX0746	n/a		ZERTOSC001801 - ZERTOSC001802	401/402, 403, 602, 701, 702, 703, NEA		
DTX0747	n/a		ZERTOSC001803 - ZERTOSC001804	401/402, 403, 602, 701, 702, 703, NEA		
DTX0748	n/a		ZERTOSC001805 - ZERTOSC001806	401/402, 403, 602, 701, 702, 703, NEA		
DTX0749	n/a		ZERTOSC001807 - ZERTOSC001810	401/402, 403, 602, 701, 702, 703, NEA		
DTX0750	n/a		ZERTOSC001811 - ZERTOSC001812	401/402, 403, 602, 701, 702, 703, NEA		
DTX0751	n/a		ZERTOSC001813 - ZERTOSC001814	401/402, 403, 602, 701, 702, 703, NEA		
DTX0752	n/a		ZERTOSC001815	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0753	n/a		ZERTOSC001816 - ZERTOSC001817	401/402, 403, 602, 701, 702, 703, NEA		
DTX0754	n/a		ZERTOSC001818 - ZERTOSC001819	401/402, 403, 602, 701, 702, 703, NEA		
DTX0755	n/a		ZERTOSC001820	401/402, 403, 602, 701, 702, 703, NEA		
DTX0756	n/a		ZERTOSC001821 - ZERTOSC001844	401/402, 403, 602, 701, 702, 703, NEA		
DTX0757	n/a		ZERTOSC001845	401/402, 403, 602, 701, 702, 703, NEA		
DTX0758	n/a		ZERTOSC001846 - ZERTOSC001854	401/402, 403, 602, 701, 702, 703, NEA		
DTX0759	n/a		ZERTOSC001855 - ZERTOSC001858	401/402, 403, 602, 701, 702, 703, NEA		
DTX0760	n/a		ZERTOSC001859	401/402, 403, 602, 701, 702, 703, NEA		
DTX0761	n/a		ZERTOSC001860 - ZERTOSC001882	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0762	n/a		ZERTOSC001883	401/402, 403, 602, 701, 702, 703, NEA		
DTX0763	n/a		ZERTOSC001884 - ZERTOSC001886	401/402, 403, 602, 701, 702, 703, NEA		
DTX0764	n/a		ZERTOSC001887	401/402, 403, 602, 701, 702, 703, NEA		
DTX0765	n/a		ZERTOSC001888 - ZERTOSC001889	401/402, 403, 602, 701, 702, 703, NEA		
DTX0766	n/a		ZERTOSC001890	401/402, 403, 602, 701, 702, 703, NEA		
DTX0767	n/a		ZERTOSC001891	401/402, 403, 602, 701, 702, 703, NEA		
DTX0768	n/a		ZERTOSC001892	401/402, 403, 602, 701, 702, 703, NEA		
DTX0769	n/a		ZERTOSC001893 - ZERTOSC001901	401/402, 403, 602, 701, 702, 703, NEA		
DTX0770	n/a		ZERTOSC001902	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0771	n/a		ZERTOSC001903	401/402, 403, 602, 701, 702, 703, NEA		
DTX0772	n/a		ZERTOSC001904 - ZERTOSC001905	401/402, 403, 602, 701, 702, 703, NEA		
DTX0773	n/a		ZERTOSC001906	401/402, 403, 602, 701, 702, 703, NEA		
DTX0774	n/a		ZERTOSC001907	401/402, 403, 602, 701, 702, 703, NEA		
DTX0775	n/a		ZERTOSC001908	401/402, 403, 602, 701, 702, 703, NEA		
DTX0776	n/a		ZERTOSC001909 - ZERTOSC001912	401/402, 403, 602, 701, 702, 703, NEA		
DTX0777	n/a		ZERTOSC001913	401/402, 403, 602, 701, 702, 703, NEA		
DTX0778	n/a		ZERTOSC001914 - ZERTOSC001965	401/402, 403, 602, 701, 702, 703, NEA		
DTX0779	n/a		ZERTOSC001966 - ZERTOSC002293	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0780	n/a		ZERTOSC002294 - ZERTOSC002374	401/402, 403, 602, 701, 702, 703, NEA		
DTX0781	n/a		ZERTOSC002375 - ZERTOSC002469	401/402, 403, 602, 701, 702, 703, NEA		
DTX0782	n/a		ZERTOSC002470 - ZERTOSC002560	401/402, 403, 602, 701, 702, 703, NEA		
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DTX0787	n/a		ZERTOSC002599 - ZERTOSC002607	401/402, 403, 602, 701, 702, 703, NEA		
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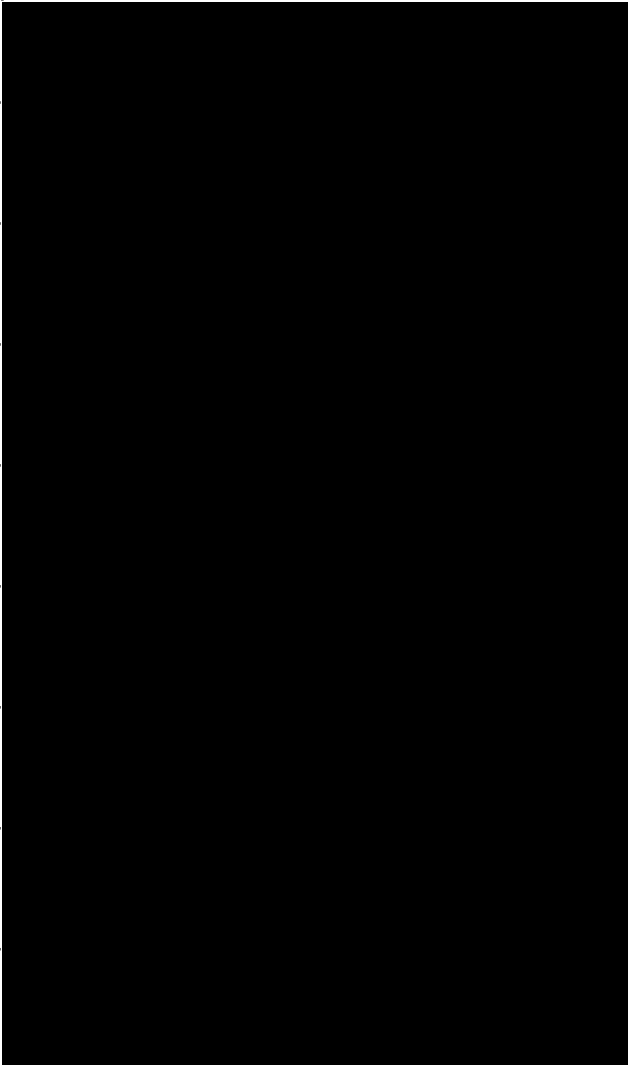
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0790	n/a		ZERTOSC002625 - ZERTOSC002752	401/402, 403, 602, 701, 702, 703, NEA		
DTX0791	n/a		ZERTOSC002753 - ZERTOSC002759	401/402, 403, 602, 701, 702, 703, NEA		
DTX0792	n/a		ZERTOSC002760 - ZERTOSC002804	401/402, 403, 602, 701, 702, 703, NEA		
DTX0793	n/a		ZERTOSC002805 - ZERTOSC002815	401/402, 403, 602, 701, 702, 703, NEA		
DTX0794	n/a		ZERTOSC002816 - ZERTOSC002933	401/402, 403, 602, 701, 702, 703, NEA		
DTX0795	n/a		ZERTOSC002934 - ZERTOSC002940	401/402, 403, 602, 701, 702, 703, NEA		
DTX0796	n/a		ZERTOSC002941 - ZERTOSC002971	401/402, 403, 602, 701, 702, 703, NEA		
DTX0797	n/a		ZERTOSC002972 - ZERTOSC002973	401/402, 403, 602, 701, 702, 703, NEA		

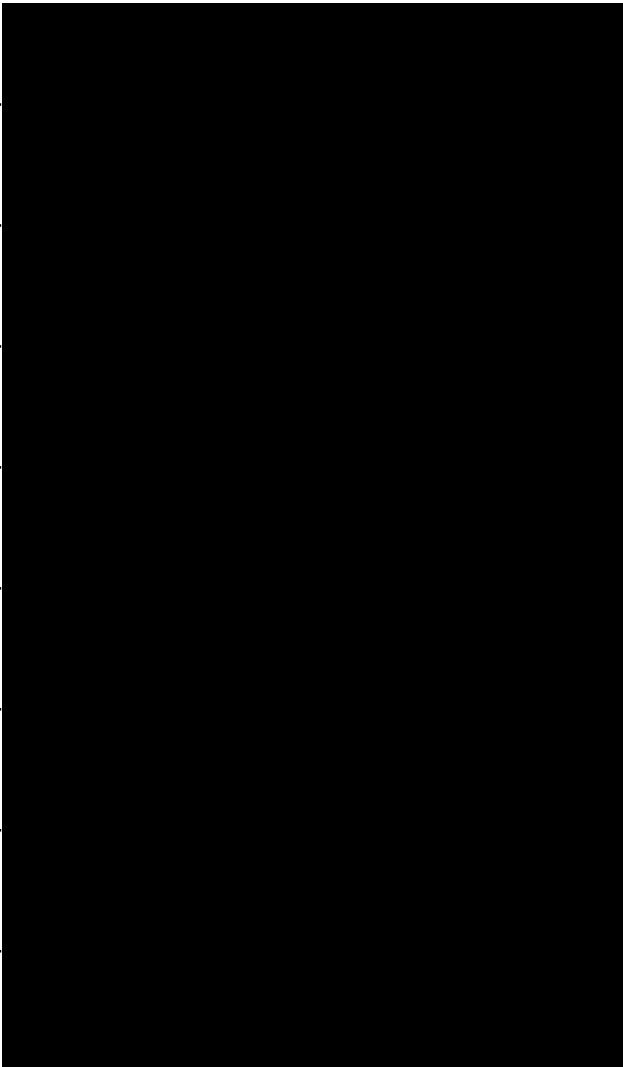
ZERTO INC.'S EXHIBIT LIST

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DTX0799	n/a		ZERTOSC002976 - ZERTOSC002984	401/402, 403, 602, 701, 702, 703, NEA		
DTX0800	n/a		ZERTOSC002985 - ZERTOSC002988	401/402, 403, 602, 701, 702, 703, NEA		
DTX0801	n/a		ZERTOSC002989	401/402, 403, 602, 701, 702, 703, NEA		
DTX0802	n/a		ZERTOSC002990	401/402, 403, 602, 701, 702, 703, NEA		
DTX0803	n/a		ZERTOSC002991 - ZERTOSC002992	401/402, 403, 602, 701, 702, 703, NEA		
DTX0804	n/a		ZERTOSC002993	401/402, 403, 602, 701, 702, 703, NEA		
DTX0805	n/a		ZERTOSC002994	401/402, 403, 602, 701, 702, 703, NEA		
DTX0806	n/a		ZERTOSC002995	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0808	n/a		ZERTOSC003004 - ZERTOSC003005	401/402, 403, 602, 701, 702, 703, NEA		
DTX0809	n/a		ZERTOSC003006	401/402, 403, 602, 701, 702, 703, NEA		
DTX0810	n/a		ZERTOSC003007	401/402, 403, 602, 701, 702, 703, NEA		
DTX0811	n/a		ZERTOSC003008 - ZERTOSC003010	401/402, 403, 602, 701, 702, 703, NEA		
DTX0812	n/a		ZERTOSC003011	401/402, 403, 602, 701, 702, 703, NEA		
DTX0813	n/a		ZERTOSC003012 - ZERTOSC003015	401/402, 403, 602, 701, 702, 703, NEA		
DTX0814	n/a		ZERTOSC003016	401/402, 403, 602, 701, 702, 703, NEA		
DTX0815	n/a		ZERTOSC003017	401/402, 403, 602, 701, 702, 703, NEA		

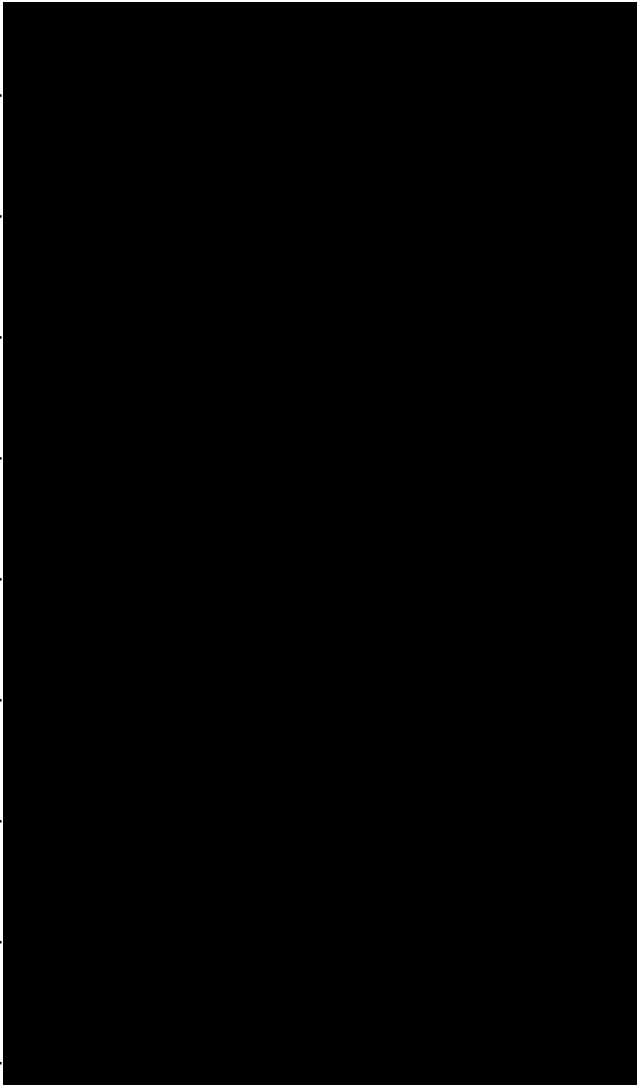
ZERTO INC.'S EXHIBIT LIST

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DTX0817	n/a		ZERTOSC003019	401/402, 403, 602, 701, 702, 703, NEA		
DTX0818	n/a		ZERTOSC003020	401/402, 403, 602, 701, 702, 703, NEA		
DTX0819	n/a		ZERTOSC003021	401/402, 403, 602, 701, 702, 703, NEA		
DTX0820	n/a		ZERTOSC003022 - ZERTOSC003023	401/402, 403, 602, 701, 702, 703, NEA		
DTX0821	n/a		ZERTOSC003024	401/402, 403, 602, 701, 702, 703, NEA		
DTX0822	n/a		ZERTOSC003025 - ZERTOSC003027	401/402, 403, 602, 701, 702, 703, NEA		
DTX0823	n/a		ZERTOSC003028 - ZERTOSC003029	401/402, 403, 602, 701, 702, 703, NEA		
DTX0824	n/a		ZERTOSC003030 - ZERTOSC003032	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0826	n/a		ZERTOSC003034 - ZERTOSC003035	401/402, 403, 602, 701, 702, 703, NEA		
DTX0827	n/a		ZERTOSC003036	401/402, 403, 602, 701, 702, 703, NEA		
DTX0828	n/a		ZERTOSC003037	401/402, 403, 602, 701, 702, 703, NEA		
DTX0829	n/a		ZERTOSC003038	401/402, 403, 602, 701, 702, 703, NEA		
DTX0830	n/a		ZERTOSC003039	401/402, 403, 602, 701, 702, 703, NEA		
DTX0831	n/a		ZERTOSC003040	401/402, 403, 602, 701, 702, 703, NEA		
DTX0832	n/a		ZERTOSC003041	401/402, 403, 602, 701, 702, 703, NEA		
DTX0833	n/a		ZERTOSC003042	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0834	n/a		ZERTOSC003043 - ZERTOSC003047	401/402, 403, 602, 701, 702, 703, NEA		
DTX0835	n/a		ZERTOSC003048 - ZERTOSC003053	401/402, 403, 602, 701, 702, 703, NEA		
DTX0836	n/a		ZERTOSC003054 - ZERTOSC003055	401/402, 403, 602, 701, 702, 703, NEA		
DTX0837	n/a		ZERTOSC003056 - ZERTOSC003060	401/402, 403, 602, 701, 702, 703, NEA		
DTX0838	n/a		ZERTOSC003061 - ZERTOSC003067	401/402, 403, 602, 701, 702, 703, NEA		
DTX0839	n/a		ZERTOSC003068 - ZERTOSC003070	401/402, 403, 602, 701, 702, 703, NEA		
DTX0840	n/a		ZERTOSC003071 - ZERTOSC003072	401/402, 403, 602, 701, 702, 703, NEA		
DTX0841	n/a		ZERTOSC003073	401/402, 403, 602, 701, 702, 703, NEA		
DTX0842	n/a		ZERTOSC003074	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0843	n/a		ZERTOSC003075 - ZERTOSC003076	401/402, 403, 602, 701, 702, 703, NEA		
DTX0844	n/a		ZERTOSC003077 - ZERTOSC003080	401/402, 403, 602, 701, 702, 703, NEA		
DTX0845	n/a		ZERTOSC003081 - ZERTOSC003084	401/402, 403, 602, 701, 702, 703, NEA		
DTX0846	n/a		ZERTOSC003085 - ZERTOSC003088	401/402, 403, 602, 701, 702, 703, NEA		
DTX0847	n/a		ZERTOSC003089	401/402, 403, 602, 701, 702, 703, NEA		
DTX0848	n/a		ZERTOSC003090 - ZERTOSC003094	401/402, 403, 602, 701, 702, 703, NEA		
DTX0849	n/a		ZERTOSC003095 - ZERTOSC003096	401/402, 403, 602, 701, 702, 703, NEA		
DTX0850	n/a		ZERTOSC003097	401/402, 403, 602, 701, 702, 703, NEA		
DTX0851	n/a		ZERTOSC003098 - ZERTOSC003101	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

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DTX0852	n/a		ZERTOSC003102	401/402, 403, 602, 701, 702, 703, NEA		
DTX0853	n/a		ZERTOSC003103 - ZERTOSC003117	401/402, 403, 602, 701, 702, 703, NEA		
DTX0854	n/a		ZERTOSC003118 - ZERTOSC003121	401/402, 403, 602, 701, 702, 703, NEA		
DTX0855	n/a		ZERTOSC003122 - ZERTOSC003128	401/402, 403, 602, 701, 702, 703, NEA		
DTX0856	n/a		ZERTOSC003129 - ZERTOSC003131	401/402, 403, 602, 701, 702, 703, NEA		
DTX0857	n/a		ZERTOSC003132 - ZERTOSC003133	401/402, 403, 602, 701, 702, 703, NEA		
DTX0858	n/a		ZERTOSC003134	401/402, 403, 602, 701, 702, 703, NEA		
DTX0859	n/a		ZERTOSC003135	401/402, 403, 602, 701, 702, 703, NEA		
DTX0860	n/a		ZERTOSC003136	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0861	n/a		ZERTOSC003137 - ZERTOSC003138	401/402, 403, 602, 701, 702, 703, NEA		
DTX0862	n/a		ZERTOSC003139	401/402, 403, 602, 701, 702, 703, NEA		
DTX0863	n/a		ZERTOSC003140 - ZERTOSC003141	401/402, 403, 602, 701, 702, 703, NEA		
DTX0864	n/a		ZERTOSC003142	401/402, 403, 602, 701, 702, 703, NEA		
DTX0865	n/a		ZERTOSC003143	401/402, 403, 602, 701, 702, 703, NEA		
DTX0866	n/a		ZERTOSC003144	401/402, 403, 602, 701, 702, 703, NEA		
DTX0867	n/a		ZERTOSC003145 - ZERTOSC003148	401/402, 403, 602, 701, 702, 703, NEA		
DTX0868	n/a		ZERTOSC003149	401/402, 403, 602, 701, 702, 703, NEA		
DTX0869	n/a		ZERTOSC003150	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0870	n/a		ZERTOSC003151 - ZERTOSC003160	401/402, 403, 602, 701, 702, 703, NEA		
DTX0871	n/a		ZERTOSC003161 - ZERTOSC003163	401/402, 403, 602, 701, 702, 703, NEA		
DTX0872	n/a		ZERTOSC003164	401/402, 403, 602, 701, 702, 703, NEA		
DTX0873	n/a		ZERTOSC003165	401/402, 403, 602, 701, 702, 703, NEA		
DTX0874	n/a		ZERTOSC003166	401/402, 403, 602, 701, 702, 703, NEA		
DTX0875	n/a		ZERTOSC003167	401/402, 403, 602, 701, 702, 703, NEA		
DTX0876	n/a		ZERTOSC003168	401/402, 403, 602, 701, 702, 703, NEA		
DTX0877	n/a		ZERTOSC003169 - ZERTOSC003170	401/402, 403, 602, 701, 702, 703, NEA		
DTX0878	n/a		ZERTOSC003171 - ZERTOSC003172	401/402, 403, 602, 701, 702, 703, NEA		

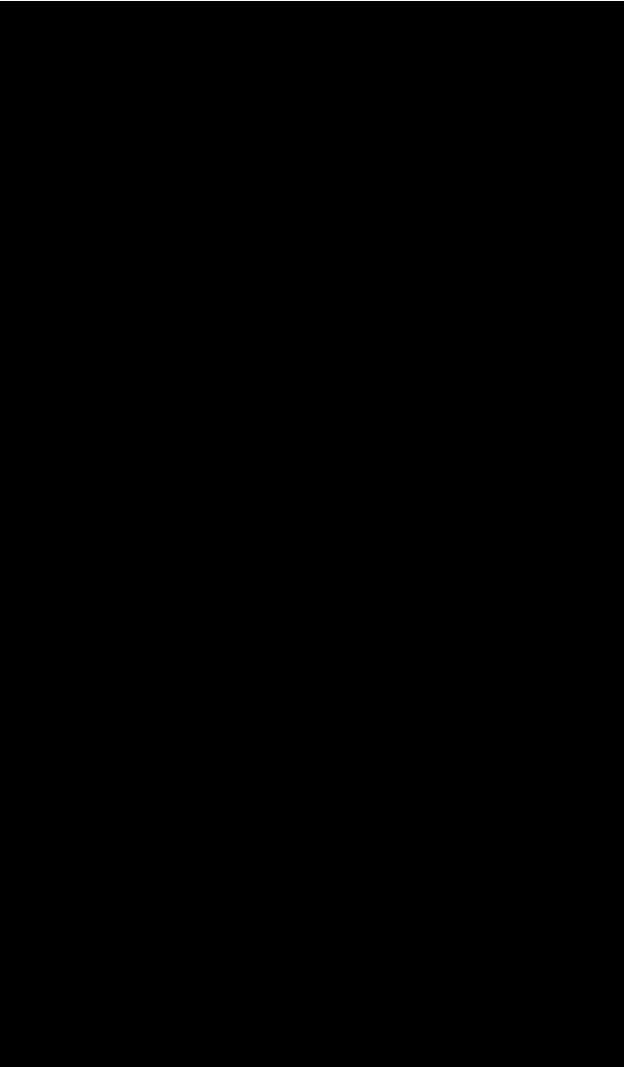
ZERTO INC.'S EXHIBIT LIST

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DTX0880	n/a		ZERTOSC003174	401/402, 403, 602, 701, 702, 703, NEA		
DTX0881	n/a		ZERTOSC003175	401/402, 403, 602, 701, 702, 703, NEA		
DTX0882	n/a		ZERTOSC003176 - ZERTOSC003177	401/402, 403, 602, 701, 702, 703, NEA		
DTX0883	n/a		ZERTOSC003178	401/402, 403, 602, 701, 702, 703, NEA		
DTX0884	n/a		ZERTOSC003179 - ZERTOSC003183	401/402, 403, 602, 701, 702, 703, NEA		
DTX0885	n/a		ZERTOSC003184- ZERTOSC003185	401/402, 403, 602, 701, 702, 703, NEA		
DTX0886	n/a		ZERTOSC003186	401/402, 403, 602, 701, 702, 703, NEA		
DTX0887	n/a		ZERTOSC003187 - ZERTOSC003188	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0889	n/a		ZERTOSC003190 - ZERTOSC003191	401/402, 403, 602, 701, 702, 703, NEA		
DTX0890	n/a		ZERTOSC003192 - ZERTOSC003193	401/402, 403, 602, 701, 702, 703, NEA		
DTX0891	n/a		ZERTOSC003194 - ZERTOSC003199	401/402, 403, 602, 701, 702, 703, NEA		
DTX0892	n/a		ZERTOSC003200	401/402, 403, 602, 701, 702, 703, NEA		
DTX0893	n/a		ZERTOSC003201 - ZERTOSC003203	401/402, 403, 602, 701, 702, 703, NEA		
DTX0894	n/a		ZERTOSC003204	401/402, 403, 602, 701, 702, 703, NEA		
DTX0895	n/a		ZERTOSC003205 - ZERTOSC003207	401/402, 403, 602, 701, 702, 703, NEA		
DTX0896	n/a		ZERTOSC003208	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0898	n/a		ZERTOSC003210 - ZERTOSC003211	401/402, 403, 602, 701, 702, 703, NEA		
DTX0899	n/a		ZERTOSC003213	401/402, 403, 602, 701, 702, 703, NEA		
DTX0900	n/a		ZERTOSC003214	401/402, 403, 602, 701, 702, 703, NEA		
DTX0901	n/a		ZERTOSC003215 - ZERTOSC003217	401/402, 403, 602, 701, 702, 703, NEA		
DTX0902	n/a		ZERTOSC003218 - ZERTOSC003219	401/402, 403, 602, 701, 702, 703, NEA		
DTX0903	n/a		ZERTOSC003220	401/402, 403, 602, 701, 702, 703, NEA		
DTX0904	n/a		ZERTOSC003221	401/402, 403, 602, 701, 702, 703, NEA		
DTX0905	n/a		ZERTOSC003222	401/402, 403, 602, 701, 702, 703, NEA		

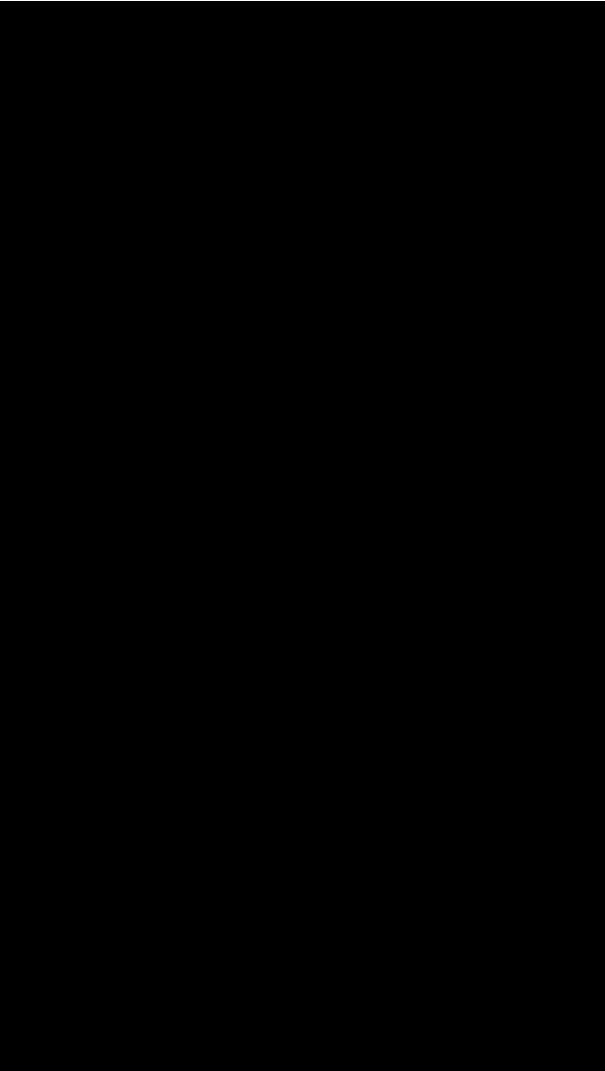
ZERTO INC.'S EXHIBIT LIST

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DTX0907	n/a		ZERTOSC003224	401/402, 403, 602, 701, 702, 703, NEA		
DTX0908	n/a		ZERTOSC003225 - ZERTOSC003226	401/402, 403, 602, 701, 702, 703, NEA		
DTX0909	n/a		ZERTOSC003227 - ZERTOSC003228	401/402, 403, 602, 701, 702, 703, NEA		
DTX0910	n/a		ZERTOSC003229	401/402, 403, 602, 701, 702, 703, NEA		
DTX0911	n/a		ZERTOSC003230	401/402, 403, 602, 701, 702, 703, NEA		
DTX0912	n/a		ZERTOSC003231	401/402, 403, 602, 701, 702, 703, NEA		
DTX0913	n/a		ZERTOSC003232	401/402, 403, 602, 701, 702, 703, NEA		
DTX0914	n/a		ZERTOSC003233	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0916	n/a		ZERTOSC003237 - ZERTOSC003238	401/402, 403, 602, 701, 702, 703, NEA		
DTX0917	n/a		ZERTOSC003239 - ZERTOSC003241	401/402, 403, 602, 701, 702, 703, NEA		
DTX0918	n/a		ZERTOSC003242	401/402, 403, 602, 701, 702, 703, NEA		
DTX0919	n/a		ZERTOSC003243 - ZERTOSC003244	401/402, 403, 602, 701, 702, 703, NEA		
DTX0920	n/a		ZERTOSC003245	401/402, 403, 602, 701, 702, 703, NEA		
DTX0921	n/a		ZERTOSC003246 - ZERTOSC003291	401/402, 403, 602, 701, 702, 703, NEA		
DTX0922	n/a		ZERTOSC003292 - ZERTOSC003298	401/402, 403, 602, 701, 702, 703, NEA		
DTX0923	n/a		ZERTOSC003299 - ZERTOSC003300	401/402, 403, 602, 701, 702, 703, NEA		

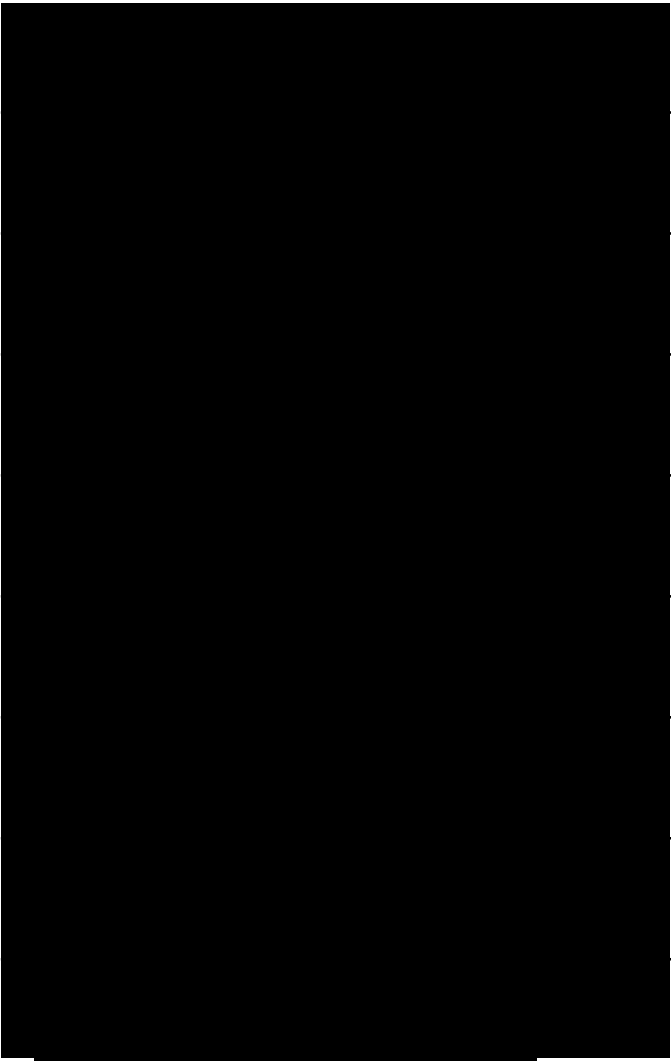
ZERTO INC.'S EXHIBIT LIST

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DTX0925	n/a		ZERTOSC003312 - ZERTOSC003313	401/402, 403, 602, 701, 702, 703, NEA		
DTX0926	n/a		ZERTOSC003314	401/402, 403, 602, 701, 702, 703, NEA		
DTX0927	n/a		ZERTOSC003315	401/402, 403, 602, 701, 702, 703, NEA		
DTX0928	n/a		ZERTOSC003316	401/402, 403, 602, 701, 702, 703, NEA		
DTX0929	n/a		ZERTOSC003317	401/402, 403, 602, 701, 702, 703, NEA		
DTX0930	n/a		ZERTOSC003318 - ZERTOSC003403	401/402, 403, 602, 701, 702, 703, NEA		
DTX0931	n/a		ZERTOSC003404 - ZERTOSC003408	401/402, 403, 602, 701, 702, 703, NEA		
DTX0932	n/a		ZERTOSC003409 - ZERTOSC003426	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0934	n/a		ZERTOSC003428	401/402, 403, 602, 701, 702, 703, NEA		
DTX0935	n/a		ZERTOSC003429 - ZERTOSC003444	401/402, 403, 602, 701, 702, 703, NEA		
DTX0936	n/a		ZERTOSC003445 - ZERTOSC003473	401/402, 403, 602, 701, 702, 703, NEA		
DTX0937	n/a		ZERTOSC003474 - ZERTOSC003475	401/402, 403, 602, 701, 702, 703, NEA		
DTX0938	n/a		ZERTOSC003476	401/402, 403, 602, 701, 702, 703, NEA		
DTX0939	n/a		ZERTOSC003477	401/402, 403, 602, 701, 702, 703, NEA		
DTX0940	n/a		ZERTOSC003478	401/402, 403, 602, 701, 702, 703, NEA		
DTX0941	n/a		ZERTOSC003479	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX0944	n/a		ZERTOSC003482	401/402, 403, 602, 701, 702, 703, NEA		
DTX0945	n/a		ZERTOSC003483	401/402, 403, 602, 701, 702, 703, NEA		
DTX0946	n/a		ZERTOSC003484	401/402, 403, 602, 701, 702, 703, NEA		
DTX0947	n/a		ZERTOSC003485	401/402, 403, 602, 701, 702, 703, NEA		
DTX0948	n/a		ZERTOSC003486 - ZERTOSC003490	401/402, 403, 602, 701, 702, 703, NEA		
DTX0949	n/a		ZERTOSC003491 - ZERTOSC003495	401/402, 403, 602, 701, 702, 703, NEA		
DTX0950	n/a		ZERTOSC003496 - ZERTOSC003506	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0951	n/a		ZERTOSC003507 - ZERTOSC003510	401/402, 403, 602, 701, 702, 703, NEA		
DTX0952	n/a		ZERTOSC003511 - ZERTOSC003513	401/402, 403, 602, 701, 702, 703, NEA		
DTX0953	n/a		ZERTOSC003514 - ZERTOSC003524	401/402, 403, 602, 701, 702, 703, NEA		
DTX0954	n/a		ZERTOSC003525 - ZERTOSC003526	401/402, 403, 602, 701, 702, 703, NEA		
DTX0955	n/a		ZERTOSC003527	401/402, 403, 602, 701, 702, 703, NEA		
DTX0956	n/a		ZERTOSC003528 - ZERTOSC003530	401/402, 403, 602, 701, 702, 703, NEA		
DTX0957	n/a		ZERTOSC003531	401/402, 403, 602, 701, 702, 703, NEA		
DTX0958	n/a		ZERTOSC003532 - ZERTOSC003551	401/402, 403, 602, 701, 702, 703, NEA		
DTX0959	n/a		ZERTOSC003552 - ZERTOSC003554	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0960	n/a		ZERTOSC003555 - ZERTOSC003557	401/402, 403, 602, 701, 702, 703, NEA		
DTX0961	n/a		ZERTOSC003558	401/402, 403, 602, 701, 702, 703, NEA		
DTX0962	n/a		ZERTOSC003559	401/402, 403, 602, 701, 702, 703, NEA		
DTX0963	n/a		ZERTOSC003560	401/402, 403, 602, 701, 702, 703, NEA		
DTX0964	n/a		ZERTOSC003561 - ZERTOSC003562	401/402, 403, 602, 701, 702, 703, NEA		
DTX0965	n/a		ZERTOSC003563	401/402, 403, 602, 701, 702, 703, NEA		
DTX0966	n/a		ZERTOSC003564 - ZERTOSC003566	401/402, 403, 602, 701, 702, 703, NEA		
DTX0967	n/a		ZERTOSC003567	401/402, 403, 602, 701, 702, 703, NEA		
DTX0968	n/a		ZERTOSC003568 - ZERTOSC003779	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0969	n/a		ZERTOSC003708 - ZERTOSC003779	401/402, 403, 602, 701, 702, 703, NEA		
DTX0970	n/a		ZERTOSC003780 - ZERTOSC003784	401/402, 403, 602, 701, 702, 703, NEA		
DTX0971	n/a		ZERTOSC003785 - ZERTOSC003785	401/402, 403, 602, 701, 702, 703, NEA		
DTX0972	n/a		ZERTOSC003787 - ZERTOSC004112	401/402, 403, 602, 701, 702, 703, NEA		
DTX0973	n/a		ZERTOSC004113	401/402, 403, 602, 701, 702, 703, NEA		
DTX0974	n/a		ZERTOSC004114	401/402, 403, 602, 701, 702, 703, NEA		
DTX0975	n/a		ZERTOSC004115 - ZERTOSC004118	401/402, 403, 602, 701, 702, 703, NEA		
DTX0976	n/a		ZERTOSC004119 - ZERTOSC004140	401/402, 403, 602, 701, 702, 703, NEA		
DTX0977	n/a		ZERTOSC004141 - ZERTOSC004154	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0978	n/a		ZERTOSC004155 - ZERTOSC004158	401/402, 403, 602, 701, 702, 703, NEA		
DTX0979	n/a		ZERTOSC004159 - ZERTOSC004166	401/402, 403, 602, 701, 702, 703, NEA		
DTX0980	n/a		ZERTOSC004167 - ZERTOSC004168	401/402, 403, 602, 701, 702, 703, NEA		
DTX0981	n/a		ZERTOSC004169	401/402, 403, 602, 701, 702, 703, NEA		
DTX0982	n/a		ZERTOSC004170	401/402, 403, 602, 701, 702, 703, NEA		
DTX0983	n/a		ZERTOSC004171 - ZERTOSC004204	602, 701, 702, 703, NEA		
DTX0984	n/a		ZERTOSC004205 - ZERTOSC004227	602, 701, 702, 703, NEA		
DTX0985	n/a		ZERTOSC004228 - ZERTOSC004276	602, 701, 702, 703, NEA		
DTX0986	n/a		ZERTOSC004277 - ZERTOSC004312	602, 701, 702, 703, NEA		
DTX0987	n/a		ZERTOSC004313 - ZERTOSC004314	602, 701, 702, 703, NEA		
DTX0988	n/a		ZERTOSC004315 - ZERTOSC004333	602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX0989	n/a		ZERTOSC004334 - ZERTOSC004352	602, 701, 702, 703, NEA		
DTX0990	n/a		ZERTOSC004353 - ZERTOSC004364	602, 701, 702, 703, NEA		
DTX0991	n/a		ZERTOSC004365 - ZERTOSC004436	602, 701, 702, 703, NEA		
DTX0992	n/a		ZERTOSC004437 - ZERTOSC004544	602, 701, 702, 703, NEA		
DTX0993	n/a		ZERTOSC004545 - ZERTOSC004552	602, 701, 702, 703, NEA		
DTX0994	n/a		ZERTOSC004553 - ZERTOSC004611	602, 701, 702, 703, NEA		
DTX0995	n/a		ZERTOSC004612 - ZERTOSC004663	602, 701, 702, 703, NEA		
DTX0996	n/a		ZERTOSC004664 - ZERTOSC004677	602, 701, 702, 703, NEA		
DTX0997	n/a		ZERTOSC004678 - ZERTOSC004707	602, 701, 702, 703, NEA		
DTX0998	n/a		ZERTOSC004708 - ZERTOSC004739	602, 701, 702, 703, NEA		
DTX0999	n/a		ZERTOSC004740 - ZERTOSC004743	602, 701, 702, 703, NEA		
DTX1000	n/a		ZERTOSC004744 - ZERTOSC004751	602, 701, 702, 703, NEA		
DTX1001	n/a		ZERTOSC004752 - ZERTOSC004767	602, 701, 702, 703, NEA		
DTX1002	n/a		ZERTOSC004768 - ZERTOSC004817	602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1003	n/a		ZERTOSC004818 - ZERTOSC004845	602, 701, 702, 703, NEA		
DTX1004	n/a		ZERTOSC004846 - ZERTOSC004878	602, 701, 702, 703, NEA		
DTX1005	n/a		ZERTOSC004879 - ZERTOSC004883	602, 701, 702, 703, NEA		
DTX1006	n/a		ZERTOSC004884 - ZERTOSC004890	602, 701, 702, 703, NEA		
DTX1007	n/a		ZERTOSC004891 - ZERTOSC004902	602, 701, 702, 703, NEA		
DTX1008	n/a		ZERTOSC004903 - ZERTOSC004923	602, 701, 702, 703, NEA		
DTX1009	n/a		ZERTOSC004924 - ZERTOSC004955	602, 701, 702, 703, NEA		
DTX1010	n/a		ZERTOSC004956 - ZERTOSC004970	602, 701, 702, 703, NEA		
DTX1011	n/a		ZERTOSC004971 - ZERTOSC004981	602, 701, 702, 703, NEA		
DTX1012	n/a		ZERTOSC004982 - ZERTOSC004985	602, 701, 702, 703, NEA		
DTX1013	n/a		ZERTOSC004986 - ZERTOSC004991	602, 701, 702, 703, NEA		
DTX1014	n/a		ZERTOSC004992 - ZERTOSC005009	602, 701, 702, 703, NEA		
DTX1015	n/a		ZERTOSC005010 - ZERTOSC005013	602, 701, 702, 703, NEA		
DTX1016	n/a		ZERTOSC005014 - ZERTOSC005016	602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1017	n/a		ZERTOSC005017 - ZERTOSC005022	602, 701, 702, 703, NEA		
DTX1018	n/a		ZERTOSC005023 - ZERTOSC005024	602, 701, 702, 703, NEA		
DTX1019	n/a		ZERTOSC005025 - ZERTOSC005032	401/402, 403, 602, 701, 702, 703, NEA		
DTX1020	n/a		ZERTOSC005033 - ZERTOSC005038	401/402, 403, 602, 701, 702, 703, NEA		
DTX1021	n/a		ZERTOSC005039 - ZERTOSC005049	602, 701, 702, 703, NEA		
DTX1022	n/a		ZERTOSC005050 - ZERTOSC005051	401/402, 403, 602, 701, 702, 703, NEA		
DTX1023	n/a		ZERTOSC005052 - ZERTOSC005055	401/402, 403, 602, 701, 702, 703, NEA		
DTX1024	n/a		ZERTOSC005056 - ZERTOSC005058	602, 701, 702, 703, NEA		
DTX1025	n/a		ZERTOSC005059 - ZERTOSC005188	401/402, 403, 602, 701, 702, 703, NEA		
DTX1026	n/a		ZERTOSC005189 - ZERTOSC005211	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1027	n/a		ZERTOSC005212	401/402, 403, 602, 701, 702, 703, NEA		
DTX1028	n/a		ZERTOSC005213 - ZERTOSC005223	401/402, 403, 602, 701, 702, 703, NEA		
DTX1029	n/a		ZERTOSC005224	401/402, 403, 602, 701, 702, 703, NEA		
DTX1030	n/a		ZERTOSC005225 - ZERTOSC005226	401/402, 403, 602, 701, 702, 703, NEA		
DTX1031	n/a		ZERTOSC005227 - ZERTOSC005228	401/402, 403, 602, 701, 702, 703, NEA		
DTX1032	n/a		ZERTOSC005229 - ZERTOSC005231	401/402, 403, 602, 701, 702, 703, NEA		
DTX1033	n/a		ZERTOSC005232 - ZERTOSC005233	401/402, 403, 602, 701, 702, 703, NEA		
DTX1034	n/a		ZERTOSC005234 - ZERTOSC005235	401/402, 403, 602, 701, 702, 703, NEA		
DTX1035	n/a		ZERTOSC005236 - ZERTOSC005249	401/402, 403, 602, 701, 702, 703, NEA		

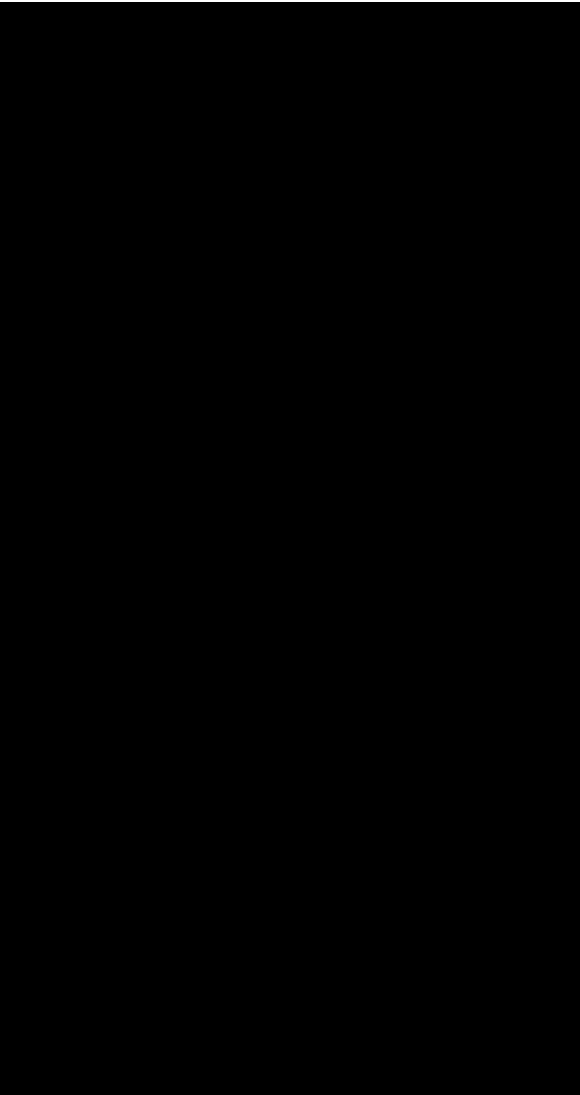
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1036	n/a		ZERTOSC005250 - ZERTOSC005251	401/402, 403, 602, 701, 702, 703, NEA		
DTX1037	n/a		ZERTOSC005252 - ZERTOSC005295	401/402, 403, 602, 701, 702, 703, NEA		
DTX1038	n/a		ZERTOSC005296 - ZERTOSC005297	401/402, 403, 602, 701, 702, 703, NEA		
DTX1039	n/a		ZERTOSC005298 - ZERTOSC005301	401/402, 403, 602, 701, 702, 703, NEA		
DTX1040	n/a		ZERTOSC005302 - ZERTOSC005304	401/402, 403, 602, 701, 702, 703, NEA		
DTX1041	n/a		ZERTOSC005305 - ZERTOSC005306	401/402, 403, 602, 701, 702, 703, NEA		
DTX1042	n/a		ZERTOSC005307	401/402, 403, 602, 701, 702, 703, NEA		
DTX1043	n/a		ZERTOSC005308	401/402, 403, 602, 701, 702, 703, NEA		
DTX1044	n/a		ZERTOSC005309	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1045	n/a		ZERTOSC005310	401/402, 403, 602, 701, 702, 703, NEA		
DTX1046	n/a		ZERTOSC005311 - ZERTOSC005312	401/402, 403, 602, 701, 702, 703, NEA		
DTX1047	n/a		ZERTOSC005313	401/402, 403, 602, 701, 702, 703, NEA		
DTX1048	n/a		ZERTOSC005314	401/402, 403, 602, 701, 702, 703, NEA		
DTX1049	n/a		ZERTOSC005315 - ZERTOSC005316	401/402, 403, 602, 701, 702, 703, NEA		
DTX1050	n/a		ZERTOSC005317	401/402, 403, 602, 701, 702, 703, NEA		
DTX1051	n/a		ZERTOSC005318 - ZERTOSC005348	401/402, 403, 602, 701, 702, 703, NEA		
DTX1052	n/a		ZERTOSC005349	401/402, 403, 602, 701, 702, 703, NEA		
DTX1053	n/a		ZERTOSC005350 - ZERTOSC005359	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1054	n/a		ZERTOSC005360	401/402, 403, 602, 701, 702, 703, NEA		
DTX1055	n/a		ZERTOSC005361	401/402, 403, 602, 701, 702, 703, NEA		
DTX1056	n/a		ZERTOSC005362 - ZERTOSC005365	401/402, 403, 602, 701, 702, 703, NEA		
DTX1057	n/a		ZERTOSC005366 - ZERTOSC005367	401/402, 403, 602, 701, 702, 703, NEA		
DTX1058	n/a		ZERTOSC005368 - ZERTOSC005371	401/402, 403, 602, 701, 702, 703, NEA		
DTX1059	n/a		ZERTOSC005372	401/402, 403, 602, 701, 702, 703, NEA		
DTX1060	n/a		ZERTOSC005373 - ZERTOSC005374	401/402, 403, 602, 701, 702, 703, NEA		
DTX1061	n/a		ZERTOSC005375	401/402, 403, 602, 701, 702, 703, NEA		
DTX1062	n/a		ZERTOSC005376 - ZERTOSC005379	401/402, 403, 602, 701, 702, 703, NEA		

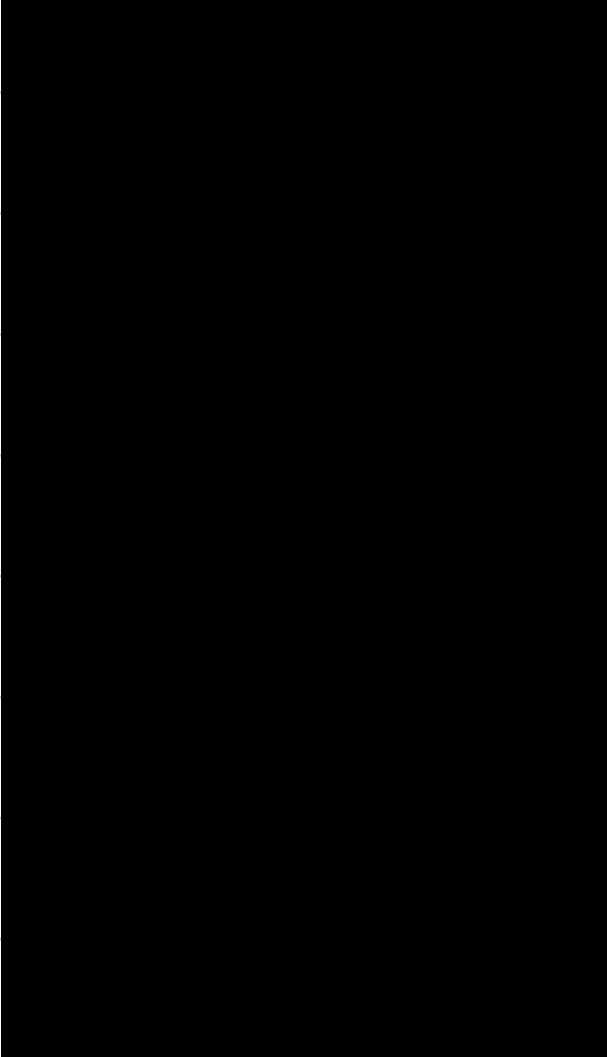
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1063	n/a		ZERTOSC005380 - ZERTOSC005382	401/402, 403, 602, 701, 702, 703, NEA		
DTX1064	n/a		ZERTOSC005383 - ZERTOSC005396	401/402, 403, 602, 701, 702, 703, NEA		
DTX1065	n/a		ZERTOSC005397	401/402, 403, 602, 701, 702, 703, NEA		
DTX1066	n/a		ZERTOSC005398 - ZERTOSC005402	401/402, 403, 602, 701, 702, 703, NEA		
DTX1067	n/a		ZERTOSC005403	401/402, 403, 602, 701, 702, 703, NEA		
DTX1068	n/a		ZERTOSC005404 - ZERTOSC005407	401/402, 403, 602, 701, 702, 703, NEA		
DTX1069	n/a		ZERTOSC005408	401/402, 403, 602, 701, 702, 703, NEA		
DTX1070	n/a		ZERTOSC005409 - ZERTOSC005413	401/402, 403, 602, 701, 702, 703, NEA		
DTX1071	n/a		ZERTOSC005414	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1072	n/a		ZERTOSC005415 - ZERTOSC005416	401/402, 403, 602, 701, 702, 703, NEA		
DTX1073	n/a		ZERTOSC005417	401/402, 403, 602, 701, 702, 703, NEA		
DTX1074	n/a		ZERTOSC005418 - ZERTOSC005422	401/402, 403, 602, 701, 702, 703, NEA		
DTX1075	n/a		ZERTOSC005423	401/402, 403, 602, 701, 702, 703, NEA		
DTX1076	n/a		ZERTOSC005424 - ZERTOSC005444	401/402, 403, 602, 701, 702, 703, NEA		
DTX1077	n/a		ZERTOSC005445	401/402, 403, 602, 701, 702, 703, NEA		
DTX1078	n/a		ZERTOSC005446 - ZERTOSC005452	401/402, 403, 602, 701, 702, 703, NEA		
DTX1079	n/a		ZERTOSC005453 - ZERTOSC005455	401/402, 403, 602, 701, 702, 703, NEA		
DTX1080	n/a		ZERTOSC005456	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1081	n/a		ZERTOSC005457 - ZERTOSC005458	401/402, 403, 602, 701, 702, 703, NEA		
DTX1082	n/a		ZERTOSC005459	401/402, 403, 602, 701, 702, 703, NEA		
DTX1083	n/a		ZERTOSC005460	401/402, 403, 602, 701, 702, 703, NEA		
DTX1084	n/a		ZERTOSC005461 - ZERTOSC005463	401/402, 403, 602, 701, 702, 703, NEA		
DTX1085	n/a		ZERTOSC005464 - ZERTOSC005465	401/402, 403, 602, 701, 702, 703, NEA		
DTX1086	n/a		ZERTOSC005466 - ZERTOSC005468	401/402, 403, 602, 701, 702, 703, NEA		
DTX1087	n/a		ZERTOSC005469 - ZERTOSC005473	401/402, 403, 602, 701, 702, 703, NEA		
DTX1088	n/a		ZERTOSC005474 - ZERTOSC005476	401/402, 403, 602, 701, 702, 703, NEA		
DTX1089	n/a		ZERTOSC005477 - ZERTOSC005481	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1090	n/a		ZERTOSC005482 - ZERTOSC005493	401/402, 403, 602, 701, 702, 703, NEA		
DTX1091	n/a		ZERTOSC005494 - ZERTOSC005495	401/402, 403, 602, 701, 702, 703, NEA		
DTX1092	n/a		ZERTOSC005496	401/402, 403, 602, 701, 702, 703, NEA		
DTX1093	n/a		ZERTOSC005497 - ZERTOSC005498	401/402, 403, 602, 701, 702, 703, NEA		
DTX1094	n/a		ZERTOSC005499 - ZERTOSC005506	401/402, 403, 602, 701, 702, 703, NEA		
DTX1095	n/a		ZERTOSC005507	401/402, 403, 602, 701, 702, 703, NEA		
DTX1096	n/a		ZERTOSC005508	401/402, 403, 602, 701, 702, 703, NEA		
DTX1097	n/a		ZERTOSC005509 - ZERTOSC005535	401/402, 403, 602, 701, 702, 703, NEA		
DTX1098	n/a		ZERTOSC005536	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1099	n/a		ZERTOSC005537 - ZERTOSC005538	401/402, 403, 602, 701, 702, 703, NEA		
DTX1100	n/a		ZERTOSC005539	401/402, 403, 602, 701, 702, 703, NEA		
DTX1101	n/a		ZERTOSC005540	401/402, 403, 602, 701, 702, 703, NEA		
DTX1102	n/a		ZERTOSC005541 - ZERTOSC005543	401/402, 403, 602, 701, 702, 703, NEA		
DTX1103	n/a		ZERTOSC005544	401/402, 403, 602, 701, 702, 703, NEA		
DTX1104	n/a		ZERTOSC005545	401/402, 403, 602, 701, 702, 703, NEA		
DTX1105	n/a		ZERTOSC005546	401/402, 403, 602, 701, 702, 703, NEA		
DTX1106	n/a		ZERTOSC005547	401/402, 403, 602, 701, 702, 703, NEA		
DTX1107	n/a		ZERTOSC005548 - ZERTOSC005549	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1108	n/a		ZERTOSC005550 - ZERTOSC005555	401/402, 403, 602, 701, 702, 703, NEA		
DTX1109	n/a		ZERTOSC005556 - ZERTOSC005557	401/402, 403, 602, 701, 702, 703, NEA		
DTX1110	n/a		ZERTOSC005558	401/402, 403, 602, 701, 702, 703, NEA		
DTX1111	n/a		ZERTOSC005559	401/402, 403, 602, 701, 702, 703, NEA		
DTX1112	n/a		ZERTOSC005560 - ZERTOSC005562	401/402, 403, 602, 701, 702, 703, NEA		
DTX1113	n/a		ZERTOSC005563 - ZERTOSC005571	401/402, 403, 602, 701, 702, 703, NEA		
DTX1114	n/a		ZERTOSC005572	401/402, 403, 602, 701, 702, 703, NEA		
DTX1115	n/a		ZERTOSC005573 - ZERTOSC005574	401/402, 403, 602, 701, 702, 703, NEA		
DTX1116	n/a		ZERTOSC005575	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1117	n/a		ZERTOSC005576 - ZERTOSC005748	401/402, 403, 602, 701, 702, 703, NEA		
DTX1118	n/a		ZERTOSC005749 - ZERTOSC005757	401/402, 403, 602, 701, 702, 703, NEA		
DTX1119	n/a		ZERTOSC005758 - ZERTOSC005789	401/402, 403, 602, 701, 702, 703, NEA		
DTX1120	n/a		ZERTOSC005790 - ZERTOSC005793	401/402, 403, 602, 701, 702, 703, NEA		
DTX1121	n/a		ZERTOSC005794	401/402, 403, 602, 701, 702, 703, NEA		
DTX1122	n/a		ZERTOSC005795 - ZERTOSC005806	401/402, 403, 602, 701, 702, 703, NEA		
DTX1123	n/a		ZERTOSC005807 - ZERTOSC005811	401/402, 403, 602, 701, 702, 703, NEA		
DTX1124	n/a		ZERTOSC005812 - ZERTOSC005813	401/402, 403, 602, 701, 702, 703, NEA		
DTX1125	n/a		ZERTOSC005814	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1126	n/a		ZERTOSC005815 - ZERTOSC005817	401/402, 403, 602, 701, 702, 703, NEA		
DTX1127	n/a		ZERTOSC005818	401/402, 403, 602, 701, 702, 703, NEA		
DTX1128	n/a		ZERTOSC005819 - ZERTOSC005822	401/402, 403, 602, 701, 702, 703, NEA		
DTX1129	n/a		ZERTOSC005823 - ZERTOSC005843	401/402, 403, 602, 701, 702, 703, NEA		
DTX1130	n/a		ZERTOSC005844 - ZERTOSC005907	401/402, 403, 602, 701, 702, 703, NEA		
DTX1131	n/a		ZERTOSC005908 - ZERTOSC005911	401/402, 403, 602, 701, 702, 703, NEA		
DTX1132	n/a		ZERTOSC005912 - ZERTOSC005918	401/402, 403, 602, 701, 702, 703, NEA		
DTX1133	n/a		ZERTOSC005919 - ZERTOSC005920	401/402, 403, 602, 701, 702, 703, NEA		
DTX1134	n/a		ZERTOSC005921	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1135	n/a		ZERTOSC005922	401/402, 403, 602, 701, 702, 703, NEA		
DTX1136	n/a		ZERTOSC005923 - ZERTOSC005924	401/402, 403, 602, 701, 702, 703, NEA		
DTX1137	n/a		ZERTOSC005925	401/402, 403, 602, 701, 702, 703, NEA		
DTX1138	n/a		ZERTOSC005926 - ZERTOSC005927	401/402, 403, 602, 701, 702, 703, NEA		
DTX1139	n/a		ZERTOSC005928	401/402, 403, 602, 701, 702, 703, NEA		
DTX1140	n/a		ZERTOSC005929 - ZERTOSC005956	401/402, 403, 602, 701, 702, 703, NEA		
DTX1141	n/a		ZERTOSC005957 - ZERTOSC005963	401/402, 403, 602, 701, 702, 703, NEA		
DTX1142	n/a		ZERTOSC005964 - ZERTOSC005976	401/402, 403, 602, 701, 702, 703, NEA		
DTX1143	n/a		ZERTOSC005977 - ZERTOSC005980	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1144	n/a		ZERTOSC005981	401/402, 403, 602, 701, 702, 703, NEA		
DTX1145	n/a		ZERTOSC005982	401/402, 403, 602, 701, 702, 703, NEA		
DTX1146	n/a		ZERTOSC005983	401/402, 403, 602, 701, 702, 703, NEA		
DTX1147	n/a		ZERTOSC005984 - ZERTOSC005986	401/402, 403, 602, 701, 702, 703, NEA		
DTX1148	n/a		ZERTOSC005987	401/402, 403, 602, 701, 702, 703, NEA		
DTX1149	n/a		ZERTOSC005988	401/402, 403, 602, 701, 702, 703, NEA		
DTX1150	n/a		ZERTOSC005989	401/402, 403, 602, 701, 702, 703, NEA		
DTX1151	n/a		ZERTOSC005990 - ZERTOSC005992	401/402, 403, 602, 701, 702, 703, NEA		
DTX1152	n/a		ZERTOSC005993	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1153	n/a		ZERTOSC005994	401/402, 403, 602, 701, 702, 703, NEA		
DTX1154	n/a		ZERTOSC005995 - ZERTOSC006020	401/402, 403, 602, 701, 702, 703, NEA		
DTX1155	n/a		ZERTOSC006021 - ZERTOSC006025	401/402, 403, 602, 701, 702, 703, NEA		
DTX1156	n/a		ZERTOSC006026 - ZERTOSC006029	401/402, 403, 602, 701, 702, 703, NEA		
DTX1157	n/a		ZERTOSC006030	401/402, 403, 602, 701, 702, 703, NEA		
DTX1158	n/a		ZERTOSC006031 - ZERTOSC006033	401/402, 403, 602, 701, 702, 703, NEA		
DTX1159	n/a		ZERTOSC006034	401/402, 403, 602, 701, 702, 703, NEA		
DTX1160	n/a		ZERTOSC006035 - ZERTOSC006041	401/402, 403, 602, 701, 702, 703, NEA		
DTX1161	n/a		ZERTOSC006042 - ZERTOSC006043	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1162	n/a		ZERTOSC006044	401/402, 403, 602, 701, 702, 703, NEA		
DTX1163	n/a		ZERTOSC006045 - ZERTOSC006091	401/402, 403, 602, 701, 702, 703, NEA		
DTX1164	n/a		ZERTOSC006092 - ZERTOSC006095	401/402, 403, 602, 701, 702, 703, NEA		
DTX1165	n/a		ZERTOSC006096 - ZERTOSC006097	401/402, 403, 602, 701, 702, 703, NEA		
DTX1166	n/a		ZERTOSC006098	401/402, 403, 602, 701, 702, 703, NEA		
DTX1167	n/a		ZERTOSC006099 - ZERTOSC006100	401/402, 403, 602, 701, 702, 703, NEA		
DTX1168	n/a		ZERTOSC006101	401/402, 403, 602, 701, 702, 703, NEA		
DTX1169	n/a		ZERTOSC006102 - ZERTOSC006104	401/402, 403, 602, 701, 702, 703, NEA		
DTX1170	n/a		ZERTOSC006105	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1171	n/a		ZERTOSC006106 - ZERTOSC006111	401/402, 403, 602, 701, 702, 703, NEA		
DTX1172	n/a		ZERTOSC006112	401/402, 403, 602, 701, 702, 703, NEA		
DTX1173	n/a		ZERTOSC006113 - ZERTOSC006115	401/402, 403, 602, 701, 702, 703, NEA		
DTX1174	n/a		ZERTOSC006116 - ZERTOSC006118	401/402, 403, 602, 701, 702, 703, NEA		
DTX1175	n/a		ZERTOSC006119	401/402, 403, 602, 701, 702, 703, NEA		
DTX1176	n/a		ZERTOSC006120 - ZERTOSC006165	401/402, 403, 602, 701, 702, 703, NEA		
DTX1177	n/a		ZERTOSC006166 - ZERTOSC006171	401/402, 403, 602, 701, 702, 703, NEA		
DTX1178	n/a		ZERTOSC006172	401/402, 403, 602, 701, 702, 703, NEA		
DTX1179	n/a		ZERTOSC006173	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1180	n/a		ZERTOSC006174 - ZERTOSC006178	401/402, 403, 602, 701, 702, 703, NEA		
DTX1181	n/a		ZERTOSC006179	401/402, 403, 602, 701, 702, 703, NEA		
DTX1182	n/a		ZERTOSC006180 - ZERTOSC006184	401/402, 403, 602, 701, 702, 703, NEA		
DTX1183	n/a		ZERTOSC006185	401/402, 403, 602, 701, 702, 703, NEA		
DTX1184	n/a		ZERTOSC006186 - ZERTOSC006187	401/402, 403, 602, 701, 702, 703, NEA		
DTX1185	n/a		ZERTOSC006188	401/402, 403, 602, 701, 702, 703, NEA		
DTX1186	n/a		ZERTOSC006189 - ZERTOSC006192	401/402, 403, 602, 701, 702, 703, NEA		
DTX1187	n/a		ZERTOSC006193	401/402, 403, 602, 701, 702, 703, NEA		
DTX1188	n/a		ZERTOSC006194 - ZERTOSC006195	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1189	n/a		ZERTOSC006196	401/402, 403, 602, 701, 702, 703, NEA		
DTX1190	n/a		ZERTOSC006197 - ZERTOSC006210	401/402, 403, 602, 701, 702, 703, NEA		
DTX1191	n/a		ZERTOSC006211 - ZERTOSC006212	401/402, 403, 602, 701, 702, 703, NEA		
DTX1192	n/a		ZERTOSC006213 - ZERTOSC006216	401/402, 403, 602, 701, 702, 703, NEA		
DTX1193	n/a		ZERTOSC006217	401/402, 403, 602, 701, 702, 703, NEA		
DTX1194	n/a		ZERTOSC006218 - ZERTOSC006219	401/402, 403, 602, 701, 702, 703, NEA		
DTX1195	n/a		ZERTOSC006220 - ZERTOSC006223	401/402, 403, 602, 701, 702, 703, NEA		
DTX1196	n/a		ZERTOSC006224 - ZERTOSC006225	401/402, 403, 602, 701, 702, 703, NEA		
DTX1197	n/a		ZERTOSC006226 - ZERTOSC006227	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1198	n/a		ZERTOSC006228 - ZERTOSC006231	401/402, 403, 602, 701, 702, 703, NEA		
DTX1199	n/a		ZERTOSC006232	401/402, 403, 602, 701, 702, 703, NEA		
DTX1200	n/a		ZERTOSC006233 - ZERTOSC006246	401/402, 403, 602, 701, 702, 703, NEA		
DTX1201	n/a		ZERTOSC006247 - ZERTOSC006249	401/402, 403, 602, 701, 702, 703, NEA		
DTX1202	n/a		ZERTOSC006250 - ZERTOSC006252	401/402, 403, 602, 701, 702, 703, NEA		
DTX1203	n/a		ZERTOSC006253 - ZERTOSC006254	401/402, 403, 602, 701, 702, 703, NEA		
DTX1204	n/a		ZERTOSC006255	401/402, 403, 602, 701, 702, 703, NEA		
DTX1205	n/a		ZERTOSC006256	401/402, 403, 602, 701, 702, 703, NEA		
DTX1206	n/a		ZERTOSC006257 - ZERTOSC006259	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1207	n/a		ZERTOSC006260	401/402, 403, 602, 701, 702, 703, NEA		
DTX1208	n/a		ZERTOSC006261 - ZERTOSC006291	401/402, 403, 602, 701, 702, 703, NEA		
DTX1209	n/a		ZERTOSC006292 - ZERTOSC006295	401/402, 403, 602, 701, 702, 703, NEA		
DTX1210	n/a		ZERTOSC006296 - ZERTOSC006297	401/402, 403, 602, 701, 702, 703, NEA		
DTX1211	n/a		ZERTOSC006298	401/402, 403, 602, 701, 702, 703, NEA		
DTX1212	n/a		ZERTOSC006299	401/402, 403, 602, 701, 702, 703, NEA		
DTX1213	n/a		ZERTOSC006300 - ZERTOSC006302	401/402, 403, 602, 701, 702, 703, NEA		
DTX1214	n/a		ZERTOSC006303	401/402, 403, 602, 701, 702, 703, NEA		
DTX1215	n/a		ZERTOSC006304 - ZERTOSC006339	401/402, 403, 602, 701, 702, 703, NEA		

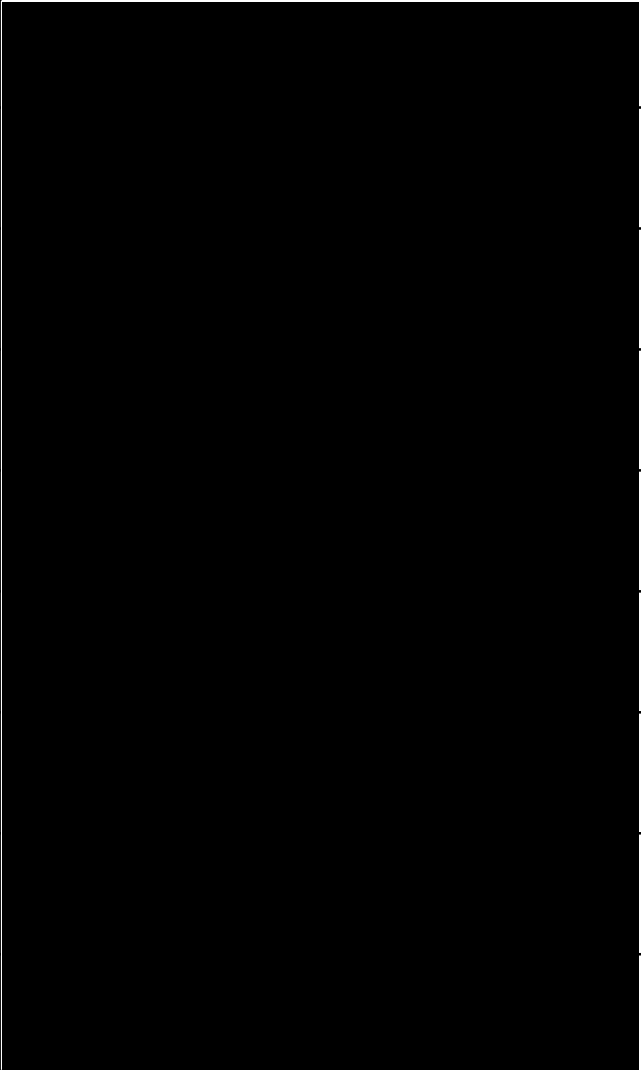
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1216	n/a		ZERTOSC006340 - ZERTOSC006344	401/402, 403, 602, 701, 702, 703, NEA		
DTX1217	n/a		ZERTOSC006345 - ZERTOSC006346	401/402, 403, 602, 701, 702, 703, NEA		
DTX1218	n/a		ZERTOSC006347 - ZERTOSC006348	401/402, 403, 602, 701, 702, 703, NEA		
DTX1219	n/a		ZERTOSC006349	401/402, 403, 602, 701, 702, 703, NEA		
DTX1220	n/a		ZERTOSC006350 - ZERTOSC006352	401/402, 403, 602, 701, 702, 703, NEA		
DTX1221			ZERTOSC006353	401/402, 403, 602, 701, 702, 703, NEA		
DTX1222	n/a		ZERTOSC006354 - ZERTOSC006355	401/402, 403, 602, 701, 702, 703, NEA		
DTX1223	n/a		ZERTOSC006356 - ZERTOSC006358	401/402, 403, 602, 701, 702, 703, NEA		
DTX1224	n/a		ZERTOSC006359	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1225	n/a		ZERTOSC006360 - ZERTOSC006361	401/402, 403, 602, 701, 702, 703, NEA		
DTX1226	n/a		ZERTOSC006362 - ZERTOSC006364	401/402, 403, 602, 701, 702, 703, NEA		
DTX1227	n/a		ZERTOSC006365	401/402, 403, 602, 701, 702, 703, NEA		
DTX1228	n/a		ZERTOSC006366 - ZERTOSC006370	401/402, 403, 602, 701, 702, 703, NEA		
DTX1229	n/a		ZERTOSC006371 - ZERTOSC006372	401/402, 403, 602, 701, 702, 703, NEA		
DTX1230	n/a		ZERTOSC006373 - ZERTOSC006378	401/402, 403, 602, 701, 702, 703, NEA		
DTX1231	n/a		ZERTOSC006379 - ZERTOSC006380	401/402, 403, 602, 701, 702, 703, NEA		
DTX1232	n/a		ZERTOSC006381	401/402, 403, 602, 701, 702, 703, NEA		
DTX1233	n/a		ZERTOSC006382 - ZERTOSC006385	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1234	n/a		ZERTOSC006386	401/402, 403, 602, 701, 702, 703, NEA		
DTX1235	n/a		ZERTOSC006387 - ZERTOSC006388	401/402, 403, 602, 701, 702, 703, NEA		
DTX1236	n/a		ZERTOSC006389	401/402, 403, 602, 701, 702, 703, NEA		
DTX1237	n/a		ZERTOSC006390	401/402, 403, 602, 701, 702, 703, NEA		
DTX1238	n/a		ZERTOSC006391 - ZERTOSC006392	401/402, 403, 602, 701, 702, 703, NEA		
DTX1239	n/a		ZERTOSC006393	401/402, 403, 602, 701, 702, 703, NEA		
DTX1240	n/a		ZERTOSC006394	401/402, 403, 602, 701, 702, 703, NEA		
DTX1241	n/a		ZERTOSC006395 - ZERTOSC006398	401/402, 403, 602, 701, 702, 703, NEA		
DTX1242	n/a		ZERTOSC006399 - ZERTOSC006413	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1243	n/a		ZERTOSC006414 - ZERTOSC006417	401/402, 403, 602, 701, 702, 703, NEA		
DTX1244	n/a		ZERTOSC006418 - ZERTOSC006427	401/402, 403, 602, 701, 702, 703, NEA		
DTX1245	n/a		ZERTOSC006428 - ZERTOSC006429	401/402, 403, 602, 701, 702, 703, NEA		
DTX1246	n/a		ZERTOSC006430	401/402, 403, 602, 701, 702, 703, NEA		
DTX1247	n/a		ZERTOSC006431	401/402, 403, 602, 701, 702, 703, NEA		
DTX1248	n/a		ZERTOSC006432	401/402, 403, 602, 701, 702, 703, NEA		
DTX1249	n/a		ZERTOSC006433 - ZERTOSC006434	401/402, 403, 602, 701, 702, 703, NEA		
DTX1250	n/a		ZERTOSC006435	401/402, 403, 602, 701, 702, 703, NEA		
DTX1251	n/a		ZERTOSC006436 - ZERTOSC006438	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1252	n/a		ZERTOSC006439 - ZERTOSC006506	401/402, 403, 602, 701, 702, 703, NEA		
DTX1253	n/a		ZERTOSC006507 - ZERTOSC006510	401/402, 403, 602, 701, 702, 703, NEA		
DTX1254	n/a		ZERTOSC006511	401/402, 403, 602, 701, 702, 703, NEA		
DTX1255	n/a		ZERTOSC006512	401/402, 403, 602, 701, 702, 703, NEA		
DTX1256	n/a		ZERTOSC006513	401/402, 403, 602, 701, 702, 703, NEA		
DTX1257	n/a		ZERTOSC006514 - ZERTOSC006515	401/402, 403, 602, 701, 702, 703, NEA		
DTX1258	n/a		ZERTOSC006516 - ZERTOSC006519	401/402, 403, 602, 701, 702, 703, NEA		
DTX1259	n/a		ZERTOSC006520 - ZERTOSC006525	401/402, 403, 602, 701, 702, 703, NEA		
DTX1260	n/a		ZERTOSC006526 - ZERTOSC006527	401/402, 403, 602, 701, 702, 703, NEA		

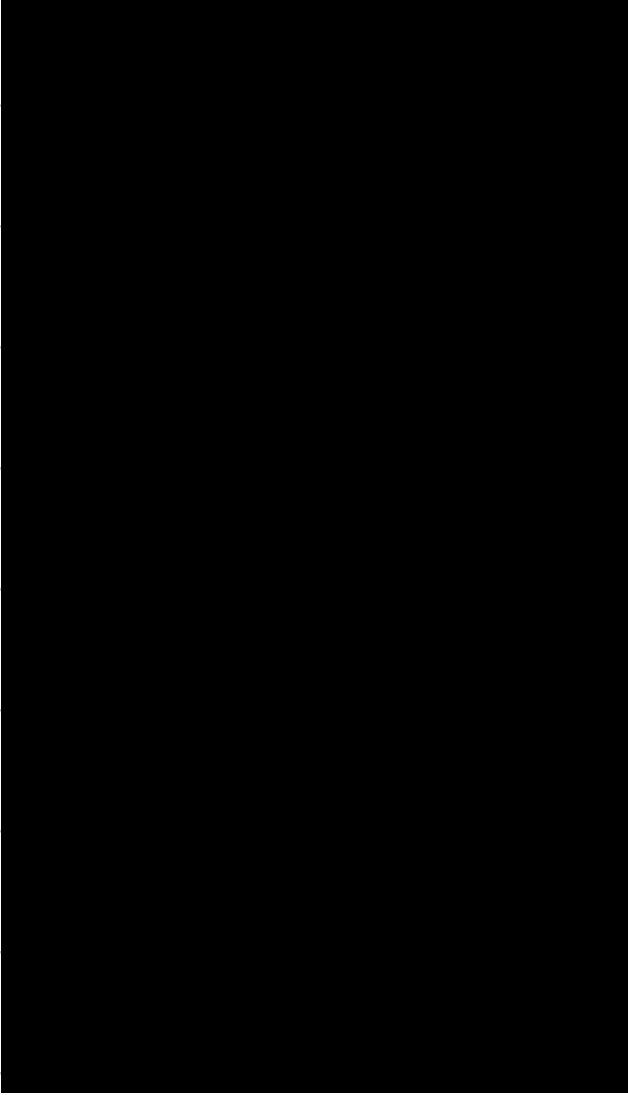
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1261	n/a		ZERTOSC006528 - ZERTOSC006531	401/402, 403, 602, 701, 702, 703, NEA		
DTX1262	n/a		ZERTOSC006532 - ZERTOSC006533	401/402, 403, 602, 701, 702, 703, NEA		
DTX1263	n/a		ZERTOSC006534 - ZERTOSC006541	401/402, 403, 602, 701, 702, 703, NEA		
DTX1264	n/a		ZERTOSC006542 - ZERTOSC006547	401/402, 403, 602, 701, 702, 703, NEA		
DTX1265	n/a		ZERTOSC006548 - ZERTOSC006575	401/402, 403, 602, 701, 702, 703, NEA		
DTX1266	n/a		ZERTOSC006576	401/402, 403, 602, 701, 702, 703, NEA		
DTX1267	n/a		ZERTOSC006577 - ZERTOSC006579	401/402, 403, 602, 701, 702, 703, NEA		
DTX1268	n/a		ZERTOSC006580 - ZERTOSC006582	401/402, 403, 602, 701, 702, 703, NEA		
DTX1269	n/a		ZERTOSC006583	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1270	n/a		ZERTOSC006584	401/402, 403, 602, 701, 702, 703, NEA		
DTX1271	n/a		ZERTOSC006585	401/402, 403, 602, 701, 702, 703, NEA		
DTX1272	n/a		ZERTOSC006586	401/402, 403, 602, 701, 702, 703, NEA		
DTX1273	n/a		ZERTOSC006587 - ZERTOSC006590	401/402, 403, 602, 701, 702, 703, NEA		
DTX1274	n/a		ZERTOSC006591	401/402, 403, 602, 701, 702, 703, NEA		
DTX1275	n/a		ZERTOSC006592	401/402, 403, 602, 701, 702, 703, NEA		
DTX1276	n/a		ZERTOSC006593 - ZERTOSC006605	401/402, 403, 602, 701, 702, 703, NEA		
DTX1277	n/a		ZERTOSC006606 - ZERTOSC006608	401/402, 403, 602, 701, 702, 703, NEA		
DTX1278	n/a		ZERTOSC006609	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1279	n/a		ZERTOSC006610	401/402, 403, 602, 701, 702, 703, NEA		
DTX1280	n/a		ZERTOSC006611 - ZERTOSC006614	401/402, 403, 602, 701, 702, 703, NEA		
DTX1281	n/a		ZERTOSC006615 - ZERTOSC006616	401/402, 403, 602, 701, 702, 703, NEA		
DTX1282	n/a		ZERTOSC006617 - ZERTOSC006624	401/402, 403, 602, 701, 702, 703, NEA		
DTX1283	n/a		ZERTOSC006625 - ZERTOSC006626	401/402, 403, 602, 701, 702, 703, NEA		
DTX1284	n/a		ZERTOSC006627	401/402, 403, 602, 701, 702, 703, NEA		
DTX1285	n/a		ZERTOSC006628	401/402, 403, 602, 701, 702, 703, NEA		
DTX1286	n/a		ZERTOSC006629	401/402, 403, 602, 701, 702, 703, NEA		
DTX1287	n/a		ZERTOSC006630	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1288	n/a		ZERTOSC006631 - ZERTOSC006632	401/402, 403, 602, 701, 702, 703, NEA		
DTX1289	n/a		ZERTOSC006633 - ZERTOSC006634	401/402, 403, 602, 701, 702, 703, NEA		
DTX1290	n/a		ZERTOSC006635 - ZERTOSC006636	401/402, 403, 602, 701, 702, 703, NEA		
DTX1291	n/a		ZERTOSC006637 - ZERTOSC006644	401/402, 403, 602, 701, 702, 703, NEA		
DTX1292	n/a		ZERTOSC006645 - ZERTOSC006647	401/402, 403, 602, 701, 702, 703, NEA		
DTX1293	n/a		ZERTOSC006648	401/402, 403, 602, 701, 702, 703, NEA		
DTX1294	n/a		ZERTOSC006649	401/402, 403, 602, 701, 702, 703, NEA		
DTX1295	n/a		ZERTOSC006650 - ZERTOSC006651	401/402, 403, 602, 701, 702, 703, NEA		
DTX1296	n/a		ZERTOSC006652 - ZERTOSC006654	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1297	n/a		ZERTOSC006655 - ZERTOSC006656	401/402, 403, 602, 701, 702, 703, NEA		
DTX1298	n/a		ZERTOSC006657	401/402, 403, 602, 701, 702, 703, NEA		
DTX1299	n/a		ZERTOSC006658	401/402, 403, 602, 701, 702, 703, NEA		
DTX1300	n/a		ZERTOSC006659 - ZERTOSC006660	401/402, 403, 602, 701, 702, 703, NEA		
DTX1301	n/a		ZERTOSC006661 - ZERTOSC006662	401/402, 403, 602, 701, 702, 703, NEA		
DTX1302	n/a		ZERTOSC006663 - ZERTOSC006667	401/402, 403, 602, 701, 702, 703, NEA		
DTX1303	n/a		ZERTOSC006668 - ZERTOSC006669	401/402, 403, 602, 701, 702, 703, NEA		
DTX1304	n/a		ZERTOSC006670	401/402, 403, 602, 701, 702, 703, NEA		
DTX1305	n/a		ZERTOSC006671 - ZERTOSC006673	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1306	n/a		ZERTOSC006674 - ZERTOSC006675	401/402, 403, 602, 701, 702, 703, NEA		
DTX1307	n/a		ZERTOSC006676 - ZERTOSC006679	401/402, 403, 602, 701, 702, 703, NEA		
DTX1308	n/a		ZERTOSC006680 - ZERTOSC006681	401/402, 403, 602, 701, 702, 703, NEA		
DTX1309	n/a		ZERTOSC006682 - ZERTOSC006693	401/402, 403, 602, 701, 702, 703, NEA		
DTX1310	n/a		ZERTOSC006694 - ZERTOSC006696	401/402, 403, 602, 701, 702, 703, NEA		
DTX1311	n/a		ZERTOSC006697	401/402, 403, 602, 701, 702, 703, NEA		
DTX1312	n/a		ZERTOSC006698 - ZERTOSC006699	401/402, 403, 602, 701, 702, 703, NEA		
DTX1313	n/a		ZERTOSC006700	401/402, 403, 602, 701, 702, 703, NEA		
DTX1314	n/a		ZERTOSC006701	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1315	n/a		ZERTOSC006702	401/402, 403, 602, 701, 702, 703, NEA		
DTX1316	n/a		ZERTOSC006703 - ZERTOSC006704	401/402, 403, 602, 701, 702, 703, NEA		
DTX1317	n/a		ZERTOSC006705	401/402, 403, 602, 701, 702, 703, NEA		
DTX1318	n/a		ZERTOSC006706	401/402, 403, 602, 701, 702, 703, NEA		
DTX1319	n/a		ZERTOSC006707	401/402, 403, 602, 701, 702, 703, NEA		
DTX1320	n/a		ZERTOSC006708 - ZERTOSC006721	401/402, 403, 602, 701, 702, 703, NEA		
DTX1321	n/a		ZERTOSC006722 - ZERTOSC006723	401/402, 403, 602, 701, 702, 703, NEA		
DTX1322	n/a		ZERTOSC006724 - ZERTOSC006726	401/402, 403, 602, 701, 702, 703, NEA		
DTX1323	n/a		ZERTOSC006727	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1324	n/a		ZERTOSC006728 - ZERTOSC006733	401/402, 403, 602, 701, 702, 703, NEA		
DTX1325	n/a		ZERTOSC006734 - ZERTOSC006735	401/402, 403, 602, 701, 702, 703, NEA		
DTX1326	n/a		ZERTOSC006736 - ZERTOSC006737	401/402, 403, 602, 701, 702, 703, NEA		
DTX1327	n/a		ZERTOSC006738	401/402, 403, 602, 701, 702, 703, NEA		
DTX1328	n/a		ZERTOSC006739	401/402, 403, 602, 701, 702, 703, NEA		
DTX1329	n/a		ZERTOSC006740	401/402, 403, 602, 701, 702, 703, NEA		
DTX1330	n/a		ZERTOSC006741 - ZERTOSC006742	401/402, 403, 602, 701, 702, 703, NEA		
DTX1331	n/a		ZERTOSC006743 - ZERTOSC006749	401/402, 403, 602, 701, 702, 703, NEA		
DTX1332	n/a		ZERTOSC006750 - ZERTOSC006751	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1333	n/a		ZERTOSC006752	401/402, 403, 602, 701, 702, 703, NEA		
DTX1334	n/a		ZERTOSC006753	401/402, 403, 602, 701, 702, 703, NEA		
DTX1335	n/a		ZERTOSC006754	401/402, 403, 602, 701, 702, 703, NEA		
DTX1336	n/a		ZERTOSC006755	401/402, 403, 602, 701, 702, 703, NEA		
DTX1337	n/a		ZERTOSC006756	401/402, 403, 602, 701, 702, 703, NEA		
DTX1338	n/a		ZERTOSC006757 - ZERTOSC006764	401/402, 403, 602, 701, 702, 703, NEA		
DTX1339	n/a		ZERTOSC006765 - ZERTOSC006771	401/402, 403, 602, 701, 702, 703, NEA		
DTX1340	n/a		ZERTOSC006772	401/402, 403, 602, 701, 702, 703, NEA		
DTX1341	n/a		ZERTOSC006773 - ZERTOSC006777	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1342	n/a		ZERTOSC006778 - ZERTOSC006779	401/402, 403, 602, 701, 702, 703, NEA		
DTX1343	n/a		ZERTOSC006780 - ZERTOSC006795	401/402, 403, 602, 701, 702, 703, NEA		
DTX1344	n/a		ZERTOSC006796 - ZERTOSC006799	401/402, 403, 602, 701, 702, 703, NEA		
DTX1345	n/a		ZERTOSC006800 - ZERTOSC006804	401/402, 403, 602, 701, 702, 703, NEA		
DTX1346	n/a		ZERTOSC006805 - ZERTOSC006808	401/402, 403, 602, 701, 702, 703, NEA		
DTX1347	n/a		ZERTOSC006809 - ZERTOSC006811	401/402, 403, 602, 701, 702, 703, NEA		
DTX1348	n/a		ZERTOSC006812 - ZERTOSC006813	401/402, 403, 602, 701, 702, 703, NEA		
DTX1349	n/a		ZERTOSC006814 - ZERTOSC006816	401/402, 403, 602, 701, 702, 703, NEA		
DTX1350	n/a		ZERTOSC006817	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1351	n/a		ZERTOSC006818 - ZERTOSC006819	401/402, 403, 602, 701, 702, 703, NEA		
DTX1352	n/a		ZERTOSC006820 - ZERTOSC006821	401/402, 403, 602, 701, 702, 703, NEA		
DTX1353	n/a		ZERTOSC006822 - ZERTOSC006840	401/402, 403, 602, 701, 702, 703, NEA		
DTX1354	n/a		ZERTOSC006841 - ZERTOSC006847	401/402, 403, 602, 701, 702, 703, NEA		
DTX1355	n/a		ZERTOSC006848 - ZERTOSC006849	401/402, 403, 602, 701, 702, 703, NEA		
DTX1356	n/a		ZERTOSC006850 - ZERTOSC006867	401/402, 403, 602, 701, 702, 703, NEA		
DTX1357	n/a		ZERTOSC006868 - ZERTOSC006872	401/402, 403, 602, 701, 702, 703, NEA		
DTX1358	n/a		ZERTOSC006873- ZERTOSC006878	401/402, 403, 602, 701, 702, 703, NEA		
DTX1359	n/a		ZERTOSC006879	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1360	n/a		ZERTOSC006880 - ZERTOSC006882	401/402, 403, 602, 701, 702, 703, NEA		
DTX1361	n/a		ZERTOSC006883	401/402, 403, 602, 701, 702, 703, NEA		
DTX1362	n/a		ZERTOSC006884 - ZERTOSC006888	401/402, 403, 602, 701, 702, 703, NEA		
DTX1363	n/a		ZERTOSC006889	401/402, 403, 602, 701, 702, 703, NEA		
DTX1364	n/a		ZERTOSC006890 - ZERTOSC006919	401/402, 403, 602, 701, 702, 703, NEA		
DTX1365	n/a		ZERTOSC006920 - ZERTOSC006925	401/402, 403, 602, 701, 702, 703, NEA		
DTX1366	n/a		ZERTOSC006926 - ZERTOSC006938	401/402, 403, 602, 701, 702, 703, NEA		
DTX1367	n/a		ZERTOSC006939 - ZERTOSC006942	401/402, 403, 602, 701, 702, 703, NEA		
DTX1368	n/a		ZERTOSC006943 - ZERTOSC006972	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1369	n/a		ZERTOSC006973 - ZERTOSC006979	401/402, 403, 602, 701, 702, 703, NEA		
DTX1370	n/a		ZERTOSC006980 - ZERTOSC006987	401/402, 403, 602, 701, 702, 703, NEA		
DTX1371	n/a		ZERTOSC006988 ZERTOSC006989	401/402, 403, 602, 701, 702, 703, NEA		
DTX1372	n/a		ZERTOSC006990 - ZERTOSC007000	401/402, 403, 602, 701, 702, 703, NEA		
DTX1373	n/a		ZERTOSC007001 - ZERTOSC007003	401/402, 403, 602, 701, 702, 703, NEA		
DTX1374	n/a		ZERTOSC007004 - ZERTOSC007010	401/402, 403, 602, 701, 702, 703, NEA		
DTX1375	n/a		ZERTOSC007011 - ZERTOSC007013	401/402, 403, 602, 701, 702, 703, NEA		
DTX1376	n/a		ZERTOSC007014 - ZERTOSC007018	401/402, 403, 602, 701, 702, 703, NEA		
DTX1377	n/a		ZERTOSC007019 - ZERTOSC007020	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1378	n/a		ZERTOSC007021 - ZERTOSC007022	401/402, 403, 602, 701, 702, 703, NEA		
DTX1379	n/a		ZERTOSC007023 - ZERTOSC007035	401/402, 403, 602, 701, 702, 703, NEA		
DTX1380	n/a		ZERTOSC007036	401/402, 403, 602, 701, 702, 703, NEA		
DTX1381	n/a		ZERTOSC007037	401/402, 403, 602, 701, 702, 703, NEA		
DTX1382	n/a		ZERTOSC007038	401/402, 403, 602, 701, 702, 703, NEA		
DTX1383	n/a		ZERTOSC007039 - ZERTOSC007044	401/402, 403, 602, 701, 702, 703, NEA		
DTX1384	n/a		ZERTOSC007045 - ZERTOSC007046	401/402, 403, 602, 701, 702, 703, NEA		
DTX1385	n/a		ZERTOSC007047	401/402, 403, 602, 701, 702, 703, NEA		
DTX1386	n/a		ZERTOSC007048 - ZERTOSC007051	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1387	n/a		ZERTOSC007052 - ZERTOSC007053	401/402, 403, 602, 701, 702, 703, NEA		
DTX1388	n/a		ZERTOSC007054	401/402, 403, 602, 701, 702, 703, NEA		
DTX1389	n/a		ZERTOSC007055 - ZERTOSC007057	401/402, 403, 602, 701, 702, 703, NEA		
DTX1390	n/a		ZERTOSC007058 - ZERTOSC007062	401/402, 403, 602, 701, 702, 703, NEA		
DTX1391	n/a		ZERTOSC007063 - ZERTOSC007065	401/402, 403, 602, 701, 702, 703, NEA		
DTX1392	n/a		ZERTOSC007066 - ZERTOSC007068	401/402, 403, 602, 701, 702, 703, NEA		
DTX1393	n/a		ZERTOSC007069 - ZERTOSC007070	401/402, 403, 602, 701, 702, 703, NEA		
DTX1394	n/a		ZERTOSC007071 - ZERTOSC007072	401/402, 403, 602, 701, 702, 703, NEA		
DTX1395	n/a		ZERTOSC007073 - ZERTOSC007074	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1396	n/a		ZERTOSC007075 - ZERTOSC007082	401/402, 403, 602, 701, 702, 703, NEA		
DTX1397	n/a		ZERTOSC007083 - ZERTOSC007084	401/402, 403, 602, 701, 702, 703, NEA		
DTX1398	n/a		ZERTOSC007085	401/402, 403, 602, 701, 702, 703, NEA		
DTX1399	n/a		ZERTOSC007086 - ZERTOSC007094	401/402, 403, 602, 701, 702, 703, NEA		
DTX1400	n/a		ZERTOSC007095 - ZERTOSC007098	401/402, 403, 602, 701, 702, 703, NEA		
DTX1401	n/a		ZERTOSC007099 - ZERTOSC007103	401/402, 403, 602, 701, 702, 703, NEA		
DTX1402	n/a		ZERTOSC007104 - ZERTOSC007106	401/402, 403, 602, 701, 702, 703, NEA		
DTX1403	n/a		ZERTOSC007107	401/402, 403, 602, 701, 702, 703, NEA		
DTX1404	n/a		ZERTOSC007108	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1405	n/a		ZERTOSC007109	401/402, 403, 602, 701, 702, 703, NEA		
DTX1406	n/a		ZERTOSC007110	401/402, 403, 602, 701, 702, 703, NEA		
DTX1407	n/a		ZERTOSC007111 - ZERTOSC007112	401/402, 403, 602, 701, 702, 703, NEA		
DTX1408	n/a		ZERTOSC007113 - ZERTOSC007114	401/402, 403, 602, 701, 702, 703, NEA		
DTX1409	n/a		ZERTOSC007115	401/402, 403, 602, 701, 702, 703, NEA		
DTX1410	n/a		ZERTOSC007116 - ZERTOSC007122	401/402, 403, 602, 701, 702, 703, NEA		
DTX1411	n/a		ZERTOSC007123 - ZERTOSC007125	401/402, 403, 602, 701, 702, 703, NEA		
DTX1412	n/a		ZERTOSC007126 - ZERTOSC007137	401/402, 403, 602, 701, 702, 703, NEA		
DTX1413	n/a		ZERTOSC007138 - ZERTOSC007141	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1414	n/a		ZERTOSC007142	401/402, 403, 602, 701, 702, 703, NEA		
DTX1415	n/a		ZERTOSC007143	401/402, 403, 602, 701, 702, 703, NEA		
DTX1416	n/a		ZERTOSC007144	401/402, 403, 602, 701, 702, 703, NEA		
DTX1417	n/a		ZERTOSC007145 - ZERTOSC007158	401/402, 403, 602, 701, 702, 703, NEA		
DTX1418	n/a		ZERTOSC007159	401/402, 403, 602, 701, 702, 703, NEA		
DTX1419	n/a		ZERTOSC007160 - ZERTOSC007161	401/402, 403, 602, 701, 702, 703, NEA		
DTX1420	n/a		ZERTOSC007162 - ZERTOSC007163	401/402, 403, 602, 701, 702, 703, NEA		
DTX1421	n/a		ZERTOSC007164	401/402, 403, 602, 701, 702, 703, NEA		
DTX1422	n/a		ZERTOSC007165 - ZERTOSC007166	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1423	n/a		ZERTOSC007167	401/402, 403, 602, 701, 702, 703, NEA		
DTX1424	n/a		ZERTOSC007168 - ZERTOSC007182	401/402, 403, 602, 701, 702, 703, NEA		
DTX1425	n/a		ZERTOSC007183 - ZERTOSC007196	401/402, 403, 602, 701, 702, 703, NEA		
DTX1426	n/a		ZERTOSC007197 - ZERTOSC007210	401/402, 403, 602, 701, 702, 703, NEA		
DTX1427	n/a		ZERTOSC007211 - ZERTOSC007224	401/402, 403, 602, 701, 702, 703, NEA		
DTX1428	n/a		ZERTOSC007225	401/402, 403, 602, 701, 702, 703, NEA		
DTX1429	n/a		ZERTOSC007226 - ZERTOSC007228	401/402, 403, 602, 701, 702, 703, NEA		
DTX1430	n/a		ZERTOSC007229 - ZERTOSC007230	401/402, 403, 602, 701, 702, 703, NEA		
DTX1431	n/a		ZERTOSC007231 - ZERTOSC007232	401/402, 403, 602, 701, 702, 703, NEA		

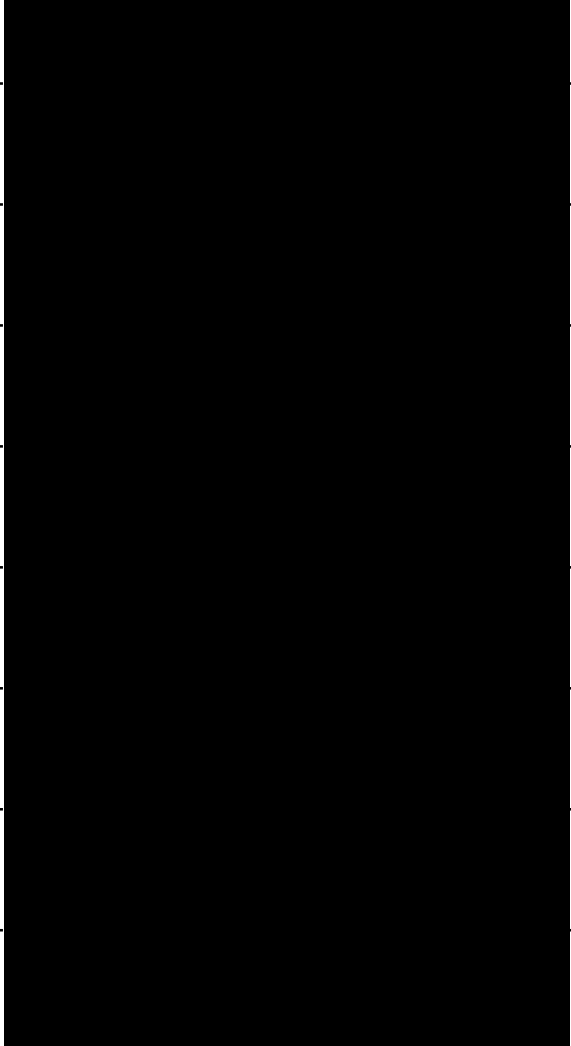
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1432	n/a		ZERTOSC007233	401/402, 403, 602, 701, 702, 703, NEA		
DTX1433	n/a		ZERTOSC007234 - ZERTOSC007235	401/402, 403, 602, 701, 702, 703, NEA		
DTX1434	n/a		ZERTOSC007236	401/402, 403, 602, 701, 702, 703, NEA		
DTX1435	n/a		ZERTOSC007237 - ZERTOSC007263	401/402, 403, 602, 701, 702, 703, NEA		
DTX1436	n/a		ZERTOSC007264 - ZERTOSC007270	401/402, 403, 602, 701, 702, 703, NEA		
DTX1437	n/a		ZERTOSC007271 - ZERTOSC007283	401/402, 403, 602, 701, 702, 703, NEA		
DTX1438	n/a		ZERTOSC007284 - ZERTOSC007286	401/402, 403, 602, 701, 702, 703, NEA		
DTX1439	n/a		ZERTOSC007287	401/402, 403, 602, 701, 702, 703, NEA		
DTX1440	n/a		ZERTOSC007288	401/402, 403, 602, 701, 702, 703, NEA		

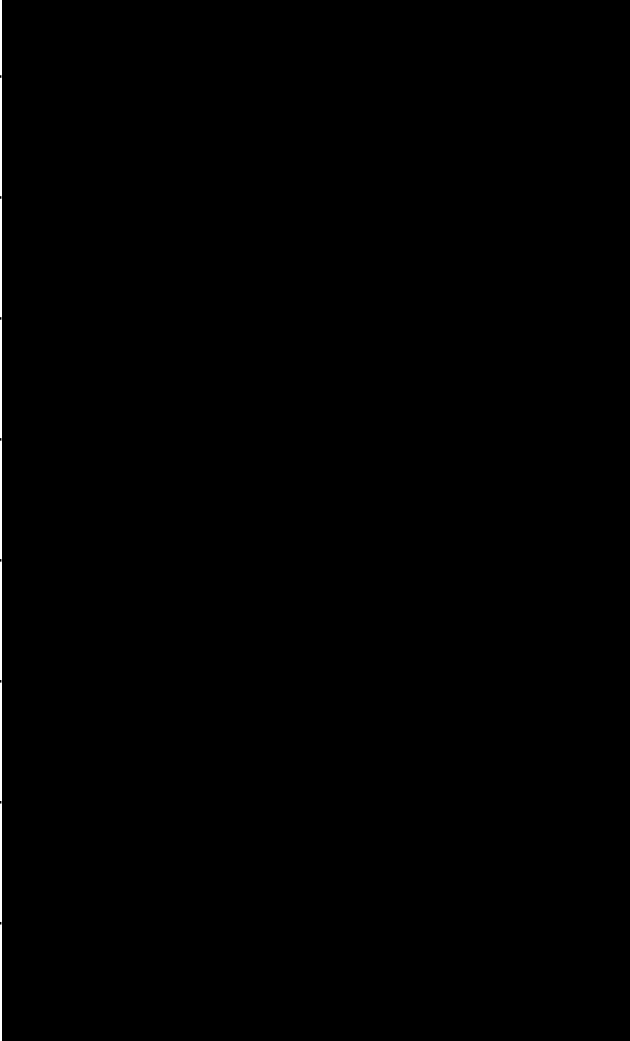
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1441	n/a		ZERTOSC007289 - ZERTOSC007302	401/402, 403, 602, 701, 702, 703, NEA		
DTX1442	n/a		ZERTOSC007303 - ZERTOSC007304	401/402, 403, 602, 701, 702, 703, NEA		
DTX1443	n/a		ZERTOSC007305 - ZERTOSC007308	401/402, 403, 602, 701, 702, 703, NEA		
DTX1444	n/a		ZERTOSC007309	401/402, 403, 602, 701, 702, 703, NEA		
DTX1445	n/a		ZERTOSC007310 - ZERTOSC007311	401/402, 403, 602, 701, 702, 703, NEA		
DTX1446	n/a		ZERTOSC007312 - ZERTOSC007315	401/402, 403, 602, 701, 702, 703, NEA		
DTX1447	n/a		ZERTOSC007316 - ZERTOSC007317	401/402, 403, 602, 701, 702, 703, NEA		
DTX1448	n/a		ZERTOSC007318 - ZERTOSC007319	401/402, 403, 602, 701, 702, 703, NEA		
DTX1449	n/a		ZERTOSC007320 - ZERTOSC007323	401/402, 403, 602, 701, 702, 703, NEA		

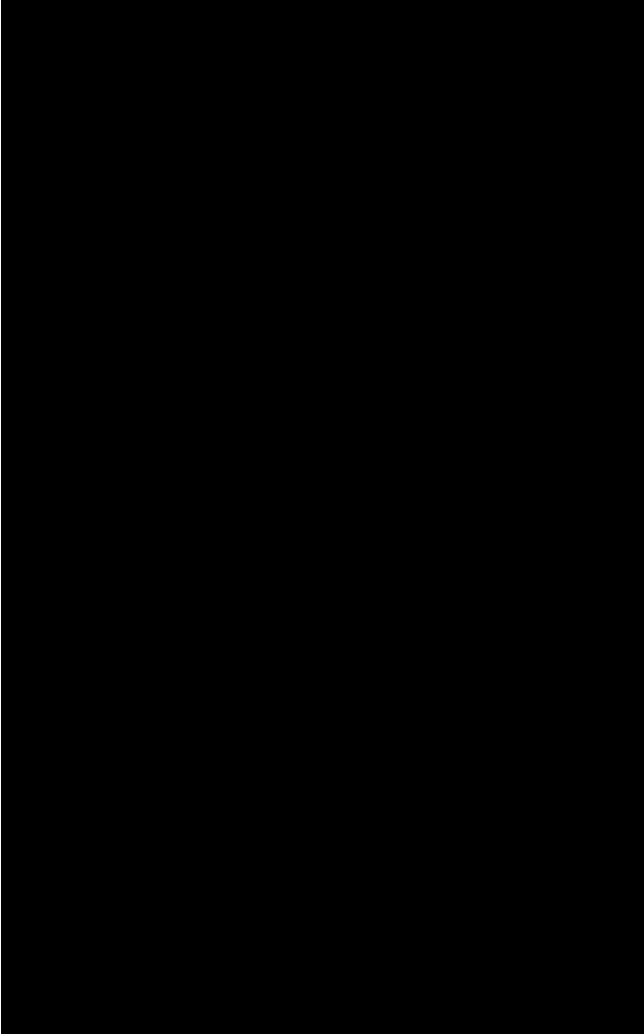
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1450	n/a		ZERTOSC007324	401/402, 403, 602, 701, 702, 703, NEA		
DTX1451	n/a		ZERTOSC007325 - ZERTOSC007338	401/402, 403, 602, 701, 702, 703, NEA		
DTX1452	n/a		ZERTOSC007339 - ZERTOSC007341	401/402, 403, 602, 701, 702, 703, NEA		
DTX1453	n/a		ZERTOSC007342 - ZERTOSC007344	401/402, 403, 602, 701, 702, 703, NEA		
DTX1454	n/a		ZERTOSC007345 - ZERTOSC007346	401/402, 403, 602, 701, 702, 703, NEA		
DTX1455	n/a		ZERTOSC007347	401/402, 403, 602, 701, 702, 703, NEA		
DTX1456	n/a		ZERTOSC007348	401/402, 403, 602, 701, 702, 703, NEA		
DTX1457	n/a		ZERTOSC007349 - ZERTOSC007351	401/402, 403, 602, 701, 702, 703, NEA		
DTX1458	n/a		ZERTOSC007352	401/402, 403, 602, 701, 702, 703, NEA		


ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1459	n/a		ZERTOSC007353 - ZERTOSC007383	401/402, 403, 602, 701, 702, 703, NEA		
DTX1460	n/a		ZERTOSC007384 - ZERTOSC007387	401/402, 403, 602, 701, 702, 703, NEA		
DTX1461	n/a		ZERTOSC007388 - ZERTOSC007389	401/402, 403, 602, 701, 702, 703, NEA		
DTX1462	n/a		ZERTOSC007390 - ZERTOSC007391	401/402, 403, 602, 701, 702, 703, NEA		
DTX1463	n/a		ZERTOSC007392 - ZERTOSC007393	401/402, 403, 602, 701, 702, 703, NEA		
DTX1464	n/a		ZERTOSC007394 - ZERTOSC007395	401/402, 403, 602, 701, 702, 703, NEA		
DTX1465	n/a		ZERTOSC007396 - ZERTOSC007399	401/402, 403, 602, 701, 702, 703, NEA		
DTX1466	n/a		ZERTOSC007400 - ZERTOSC007402	401/402, 403, 602, 701, 702, 703, NEA		
DTX1467	n/a		ZERTOSC007403 - ZERTOSC007404	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1468	n/a		ZERTOSC007405 - ZERTOSC007406	401/402, 403, 602, 701, 702, 703, NEA		
DTX1469	n/a		ZERTOSC007407 - ZERTOSC007410	401/402, 403, 602, 701, 702, 703, NEA		
DTX1470	n/a		ZERTOSC007411 - ZERTOSC007413	401/402, 403, 602, 701, 702, 703, NEA		
DTX1471	n/a		ZERTOSC007414 - ZERTOSC007415	401/402, 403, 602, 701, 702, 703, NEA		
DTX1472	n/a		ZERTOSC007416	401/402, 403, 602, 701, 702, 703, NEA		
DTX1473	n/a		ZERTOSC007417 - ZERTOSC007419	401/402, 403, 602, 701, 702, 703, NEA		
DTX1474	n/a		ZERTOSC007420	401/402, 403, 602, 701, 702, 703, NEA		
DTX1475	n/a		ZERTOSC007421	401/402, 403, 602, 701, 702, 703, NEA		
DTX1476	n/a		ZERTOSC007422	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1477	n/a		ZERTOSC007423 - ZERTOSC007425	401/402, 403, 602, 701, 702, 703, NEA		
DTX1478	n/a		ZERTOSC007426	401/402, 403, 602, 701, 702, 703, NEA		
DTX1479	n/a		ZERTOSC007427	401/402, 403, 602, 701, 702, 703, NEA		
DTX1480	n/a		ZERTOSC007428 - ZERTOSC007453	401/402, 403, 602, 701, 702, 703, NEA		
DTX1481	n/a		ZERTOSC007454 - ZERTOSC007458	401/402, 403, 602, 701, 702, 703, NEA		
DTX1482	n/a		ZERTOSC007459 - ZERTOSC007462	401/402, 403, 602, 701, 702, 703, NEA		
DTX1483	n/a		ZERTOSC007463	401/402, 403, 602, 701, 702, 703, NEA		
DTX1484	n/a		ZERTOSC007464 - ZERTOSC007466	401/402, 403, 602, 701, 702, 703, NEA		
DTX1485	n/a		ZERTOSC007467	401/402, 403, 602, 701, 702, 703, NEA		


ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX1487	n/a		ZERTOSC007475 - ZERTOSC007476	401/402, 403, 602, 701, 702, 703, NEA		
DTX1488	n/a		ZERTOSC007477	401/402, 403, 602, 701, 702, 703, NEA		
DTX1489	n/a		ZERTOSC007478 - ZERTOSC007524	401/402, 403, 602, 701, 702, 703, NEA		
DTX1490	n/a		ZERTOSC007525 - ZERTOSC007528	401/402, 403, 602, 701, 702, 703, NEA		
DTX1491	n/a		ZERTOSC007529 - ZERTOSC007530	401/402, 403, 602, 701, 702, 703, NEA		
DTX1492	n/a		ZERTOSC007531	401/402, 403, 602, 701, 702, 703, NEA		
DTX1493	n/a		ZERTOSC007532 - ZERTOSC007533	401/402, 403, 602, 701, 702, 703, NEA		
DTX1494	n/a		ZERTOSC007534	401/402, 403, 602, 701, 702, 703, NEA		


ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1495	n/a		ZERTOSC007535 - ZERTOSC007537	401/402, 403, 602, 701, 702, 703, NEA		
DTX1496	n/a		ZERTOSC007538	401/402, 403, 602, 701, 702, 703, NEA		
DTX1497	n/a		ZERTOSC007539 - ZERTOSC007544	401/402, 403, 602, 701, 702, 703, NEA		
DTX1498	n/a		ZERTOSC007545	401/402, 403, 602, 701, 702, 703, NEA		
DTX1499	n/a		ZERTOSC007546 - ZERTOSC007548	401/402, 403, 602, 701, 702, 703, NEA		
DTX1500	n/a		ZERTOSC007549 - ZERTOSC007551	401/402, 403, 602, 701, 702, 703, NEA		
DTX1501	n/a		ZERTOSC007552	401/402, 403, 602, 701, 702, 703, NEA		
DTX1502	n/a		ZERTOSC007553 - ZERTOSC007598	401/402, 403, 602, 701, 702, 703, NEA		
DTX1503	n/a		ZERTOSC007599 - ZERTOSC007604	401/402, 403, 602, 701, 702, 703, NEA		


ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1504	n/a		ZERTOSC007605	401/402, 403, 602, 701, 702, 703, NEA		
DTX1505	n/a		ZERTOSC007606	401/402, 403, 602, 701, 702, 703, NEA		
DTX1506	n/a		ZERTOSC007607 - ZERTOSC007611	401/402, 403, 602, 701, 702, 703, NEA		
DTX1507	n/a		ZERTOSC007612	401/402, 403, 602, 701, 702, 703, NEA		
DTX1508	n/a		ZERTOSC007613 - ZERTOSC007617	401/402, 403, 602, 701, 702, 703, NEA		
DTX1509	n/a		ZERTOSC007618	401/402, 403, 602, 701, 702, 703, NEA		
DTX1510	n/a		ZERTOSC007619 - ZERTOSC007620	401/402, 403, 602, 701, 702, 703, NEA		
DTX1511	n/a		ZERTOSC007621	401/402, 403, 602, 701, 702, 703, NEA		
DTX1512	n/a		ZERTOSC007622 - ZERTOSC007625	401/402, 403, 602, 701, 702, 703, NEA		

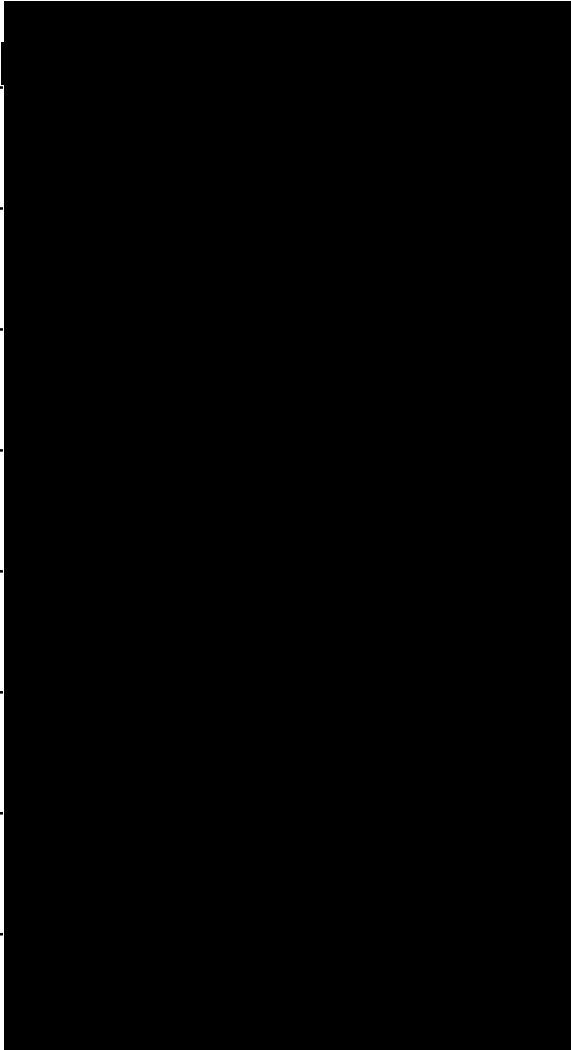
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX1514	n/a		ZERTOSC007627 - ZERTOSC007628	401/402, 403, 602, 701, 702, 703, NEA		
DTX1515	n/a		ZERTOSC007629	401/402, 403, 602, 701, 702, 703, NEA		
DTX1516	n/a		ZERTOSC007630	401/402, 403, 602, 701, 702, 703, NEA		
DTX1517	n/a		ZERTOSC007631 - ZERTOSC007632	401/402, 403, 602, 701, 702, 703, NEA		
DTX1518	n/a		ZERTOSC007633 - ZERTOSC007634	401/402, 403, 602, 701, 702, 703, NEA		
DTX1519	n/a		ZERTOSC007635	401/402, 403, 602, 701, 702, 703, NEA		
DTX1520	n/a		ZERTOSC007636 - ZERTOSC007637	401/402, 403, 602, 701, 702, 703, NEA		
DTX1521	n/a		ZERTOSC007638 - ZERTOSC007647	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1522	n/a		ZERTOSC007648 - ZERTOSC007651	401/402, 403, 602, 701, 702, 703, NEA		
DTX1523	n/a		ZERTOSC007652	401/402, 403, 602, 701, 702, 703, NEA		
DTX1524	n/a		ZERTOSC007653 - ZERTOSC007654	401/402, 403, 602, 701, 702, 703, NEA		
DTX1525	n/a		ZERTOSC007655 - ZERTOSC007657	401/402, 403, 602, 701, 702, 703, NEA		
DTX1526	n/a		ZERTOSC007658	401/402, 403, 602, 701, 702, 703, NEA		
DTX1527	n/a		ZERTOSC007659 - ZERTOSC007660	401/402, 403, 602, 701, 702, 703, NEA		
DTX1528	n/a		ZERTOSC007661	401/402, 403, 602, 701, 702, 703, NEA		
DTX1529	n/a		ZERTOSC007662	401/402, 403, 602, 701, 702, 703, NEA		
DTX1530	n/a		ZERTOSC007663	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1531	n/a		ZERTOSC007664 - ZERTOSC007673	401/402, 403, 602, 701, 702, 703, NEA		
DTX1532	n/a		ZERTOSC007674	401/402, 403, 602, 701, 702, 703, NEA		
DTX1533	n/a		ZERTOSC007675	401/402, 403, 602, 701, 702, 703, NEA		
DTX1534	n/a		ZERTOSC007676 - ZERTOSC007678	401/402, 403, 602, 701, 702, 703, NEA		
DTX1535	n/a		ZERTOSC007679	401/402, 403, 602, 701, 702, 703, NEA		
DTX1536	n/a		ZERTOSC007680	401/402, 403, 602, 701, 702, 703, NEA		
DTX1537	n/a		ZERTOSC007681	401/402, 403, 602, 701, 702, 703, NEA		
DTX1538	n/a		ZERTOSC007682 - ZERTOSC007686	401/402, 403, 602, 701, 702, 703, NEA		
DTX1539	n/a		ZERTOSC007687	401/402, 403, 602, 701, 702, 703, NEA		

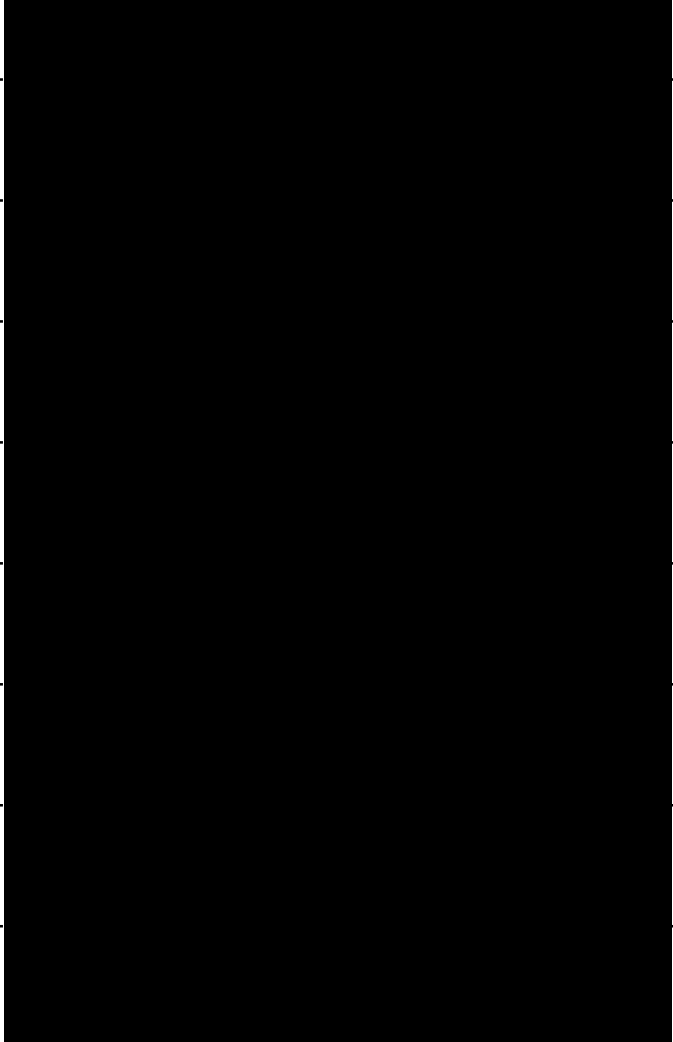
ZERTO INC.'S EXHIBIT LIST

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DTX1541	n/a		ZERTOSC007750 - ZERTOSC008135	401/402, 403, 602, 701, 702, 703, NEA		
DTX1542	n/a		ZERTOSC008136 - ZERTOSC008235	401/402, 403, 602, 701, 702, 703, NEA		
DTX1543	n/a		ZERTOSC008236 - ZERTOSC008353	401/402, 403, 602, 701, 702, 703, NEA		
DTX1544	n/a		ZERTOSC008354 - ZERTOSC008458	401/402, 403, 602, 701, 702, 703, NEA		
DTX1545	n/a		ZERTOSC008459 - ZERTOSC008469	401/402, 403, 602, 701, 702, 703, NEA		
DTX1546	n/a		ZERTOSC008470 - ZERTOSC008480	401/402, 403, 602, 701, 702, 703, NEA		
DTX1547	n/a		ZERTOSC008481 - ZERTOSC008493	401/402, 403, 602, 701, 702, 703, NEA		
DTX1548	n/a		ZERTOSC008494 - ZERTOSC008611	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
DTX1549	n/a		ZERTOSC008612 - ZERTOSC008716	401/402, 403, 602, 701, 702, 703, NEA		
DTX1550	n/a		ZERTOSC008717 - ZERTOSC008725	401/402, 403, 602, 701, 702, 703, NEA		
DTX1551	n/a		ZERTOSC008726 - ZERTOSC008735	401/402, 403, 602, 701, 702, 703, NEA		
DTX1552	n/a		ZERTOSC008736 - ZERTOSC008747	401/402, 403, 602, 701, 702, 703, NEA		
DTX1553	n/a		ZERTOSC008748 - ZERTOSC008749	401/402, 403, 602, 701, 702, 703, NEA		
DTX1554	n/a		ZERTOSC008750 - ZERTOSC008751	401/402, 403, 602, 701, 702, 703, NEA		
DTX1555	n/a		ZERTOSC008752 - ZERTOSC008762	401/402, 403, 602, 701, 702, 703, NEA		
DTX1556	n/a		ZERTOSC008763 - ZERTOSC008766	401/402, 403, 602, 701, 702, 703, NEA		
DTX1557	n/a		ZERTOSC008767	401/402, 403, 602, 701, 702, 703, NEA		

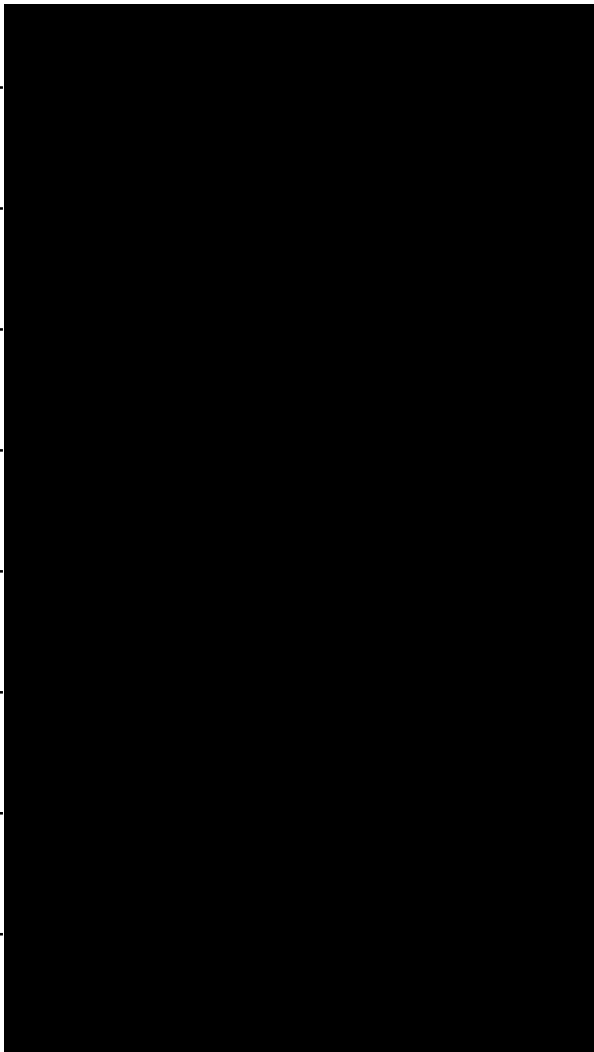
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX1559	n/a		ZERTOSC008769 - ZERTOSC008770	401/402, 403, 602, 701, 702, 703, NEA		
DTX1560	n/a		ZERTOSC008771	401/402, 403, 602, 701, 702, 703, NEA		
DTX1561	n/a		ZERTOSC008772 - ZERTOSC008773	401/402, 403, 602, 701, 702, 703, NEA		
DTX1562	n/a		ZERTOSC008774	401/402, 403, 602, 701, 702, 703, NEA		
DTX1563	n/a		ZERTOSC008775 - ZERTOSC008783	401/402, 403, 602, 701, 702, 703, NEA		
DTX1564	n/a		ZERTOSC008784 - ZERTOSC008785	401/402, 403, 602, 701, 702, 703, NEA		
DTX1565	n/a		ZERTOSC008786	401/402, 403, 602, 701, 702, 703, NEA		
DTX1566	n/a		ZERTOSC008787	401/402, 403, 602, 701, 702, 703, NEA		

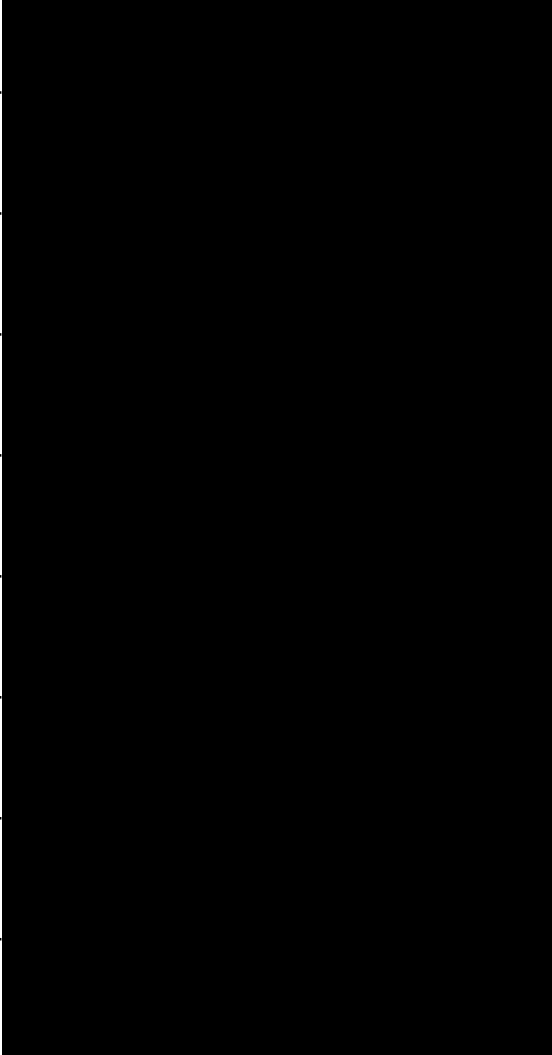
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX1568	n/a		ZERTOSC008792 - ZERTOSC008793	401/402, 403, 602, 701, 702, 703, NEA		
DTX1569	n/a		ZERTOSC008794 - ZERTOSC008797	401/402, 403, 602, 701, 702, 703, NEA		
DTX1570	n/a		ZERTOSC008798 - ZERTOSC008799	401/402, 403, 602, 701, 702, 703, NEA		
DTX1571	n/a		ZERTOSC008800	401/402, 403, 602, 701, 702, 703, NEA		
DTX1572	n/a		ZERTOSC008801	401/402, 403, 602, 701, 702, 703, NEA		
DTX1573	n/a		ZERTOSC008802	401/402, 403, 602, 701, 702, 703, NEA		
DTX1574	n/a		ZERTOSC008803	401/402, 403, 602, 701, 702, 703, NEA		
DTX1575	n/a		ZERTOSC008804	401/402, 403, 602, 701, 702, 703, NEA		

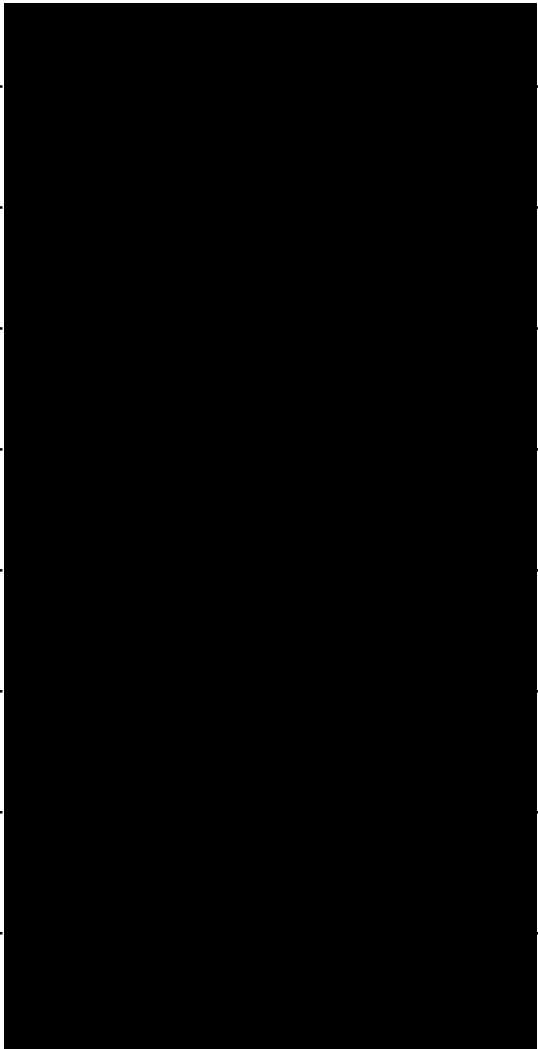
ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX1577	n/a		ZERTOSC008807	401/402, 403, 602, 701, 702, 703, NEA		
DTX1578	n/a		ZERTOSC008808 - ZERTOSC008810	401/402, 403, 602, 701, 702, 703, NEA		
DTX1579	n/a		ZERTOSC008811 - ZERTOSC008812	401/402, 403, 602, 701, 702, 703, NEA		
DTX1580	n/a		ZERTOSC008813 - ZERTOSC008815	401/402, 403, 602, 701, 702, 703, NEA		
DTX1581	n/a		ZERTOSC008816 - ZERTOSC008817	401/402, 403, 602, 701, 702, 703, NEA		
DTX1582	n/a		ZERTOSC008818 - ZERTOSC008820	401/402, 403, 602, 701, 702, 703, NEA		
DTX1583	n/a		ZERTOSC008821 - ZERTOSC008822	401/402, 403, 602, 701, 702, 703, NEA		
DTX1584	n/a		ZERTOSC008823	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX1587	n/a		ZERTOSC008826	401/402, 403, 602, 701, 702, 703, NEA		
DTX1588	n/a		ZERTOSC008827	401/402, 403, 602, 701, 702, 703, NEA		
DTX1589	n/a		ZERTOSC008828 - ZERTOSC008829	401/402, 403, 602, 701, 702, 703, NEA		
DTX1590	n/a		ZERTOSC008830 - ZERTOSC008834	401/402, 403, 602, 701, 702, 703, NEA		
DTX1591	n/a		ZERTOSC008835 - ZERTOSC008841	401/402, 403, 602, 701, 702, 703, NEA		
DTX1592	n/a		ZERTOSC008842 - ZERTOSC008843	401/402, 403, 602, 701, 702, 703, NEA		
DTX1593	n/a		ZERTOSC008844 - ZERTOSC008848	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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DTX1595	n/a		ZERTOSC008856 - ZERTOSC008858	401/402, 403, 602, 701, 702, 703, NEA		
DTX1596	n/a		ZERTOSC008859 - ZERTOSC008860	401/402, 403, 602, 701, 702, 703, NEA		
DTX1597	n/a		ZERTOSC008861	401/402, 403, 602, 701, 702, 703, NEA		
DTX1598	n/a		ZERTOSC008862	401/402, 403, 602, 701, 702, 703, NEA		
DTX1599	n/a		ZERTOSC008863 - ZERTOSC008864	401/402, 403, 602, 701, 702, 703, NEA		
DTX1600	n/a		ZERTOSC008865 - ZERTOSC008869	401/402, 403, 602, 701, 702, 703, NEA		
DTX1601	n/a		ZERTOSC008870 - ZERTOSC008873	401/402, 403, 602, 701, 702, 703, NEA		
DTX1602	n/a		ZERTOSC008874 - ZERTOSC008877	401/402, 403, 602, 701, 702, 703, NEA		

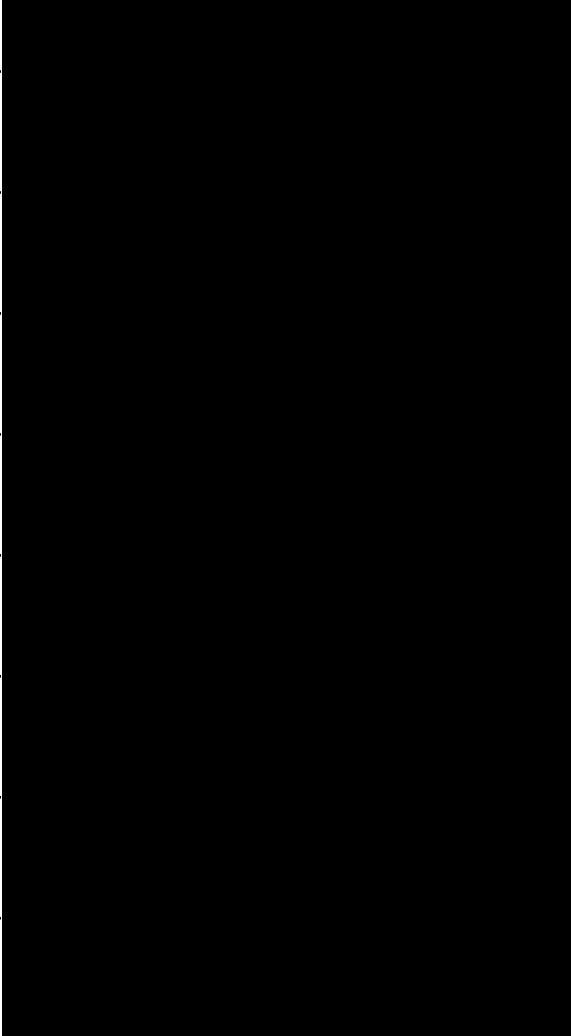
ZERTO INC.'S EXHIBIT LIST

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DTX1604	n/a		ZERTOSC008879 - ZERTOSC008884	401/402, 403, 602, 701, 702, 703, NEA		
DTX1605	n/a		ZERTOSC008885 - ZERTOSC008886	401/402, 403, 602, 701, 702, 703, NEA		
DTX1606	n/a		ZERTOSC008887	401/402, 403, 602, 701, 702, 703, NEA		
DTX1607	n/a		ZERTOSC008888 - ZERTOSC008891	401/402, 403, 602, 701, 702, 703, NEA		
DTX1608	n/a		ZERTOSC008892	401/402, 403, 602, 701, 702, 703, NEA		
DTX1609	n/a		ZERTOSC008893 - ZERTOSC008909	401/402, 403, 602, 701, 702, 703, NEA		
DTX1610	n/a		ZERTOSC008910 - ZERTOSC008914	401/402, 403, 602, 701, 702, 703, NEA		
DTX1611	n/a		ZERTOSC008915 - ZERTOSC008922	401/402, 403, 602, 701, 702, 703, NEA		


ZERTO INC.'S EXHIBIT LIST

DTX	DATE	DESCRIPTION	BATES RANGE	EMC'S OBJECTIONS	DATE OFFERED	ADMITTED
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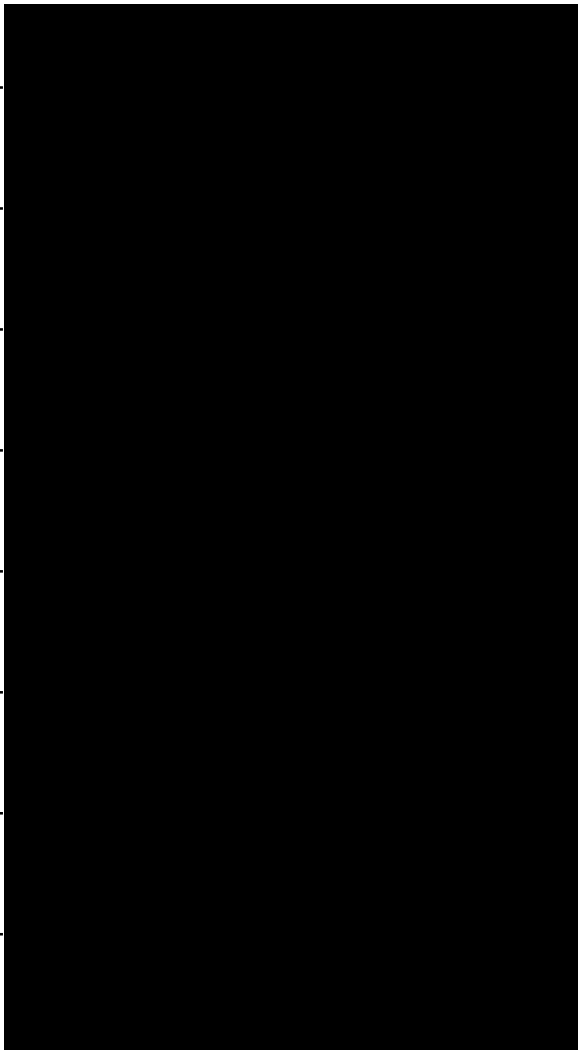
ZERTO INC.'S EXHIBIT LIST

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DTX1625	n/a		ZERTOSC008946	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1628	n/a		ZERTOSC008962	401/402, 403, 602, 701, 702, 703, NEA		
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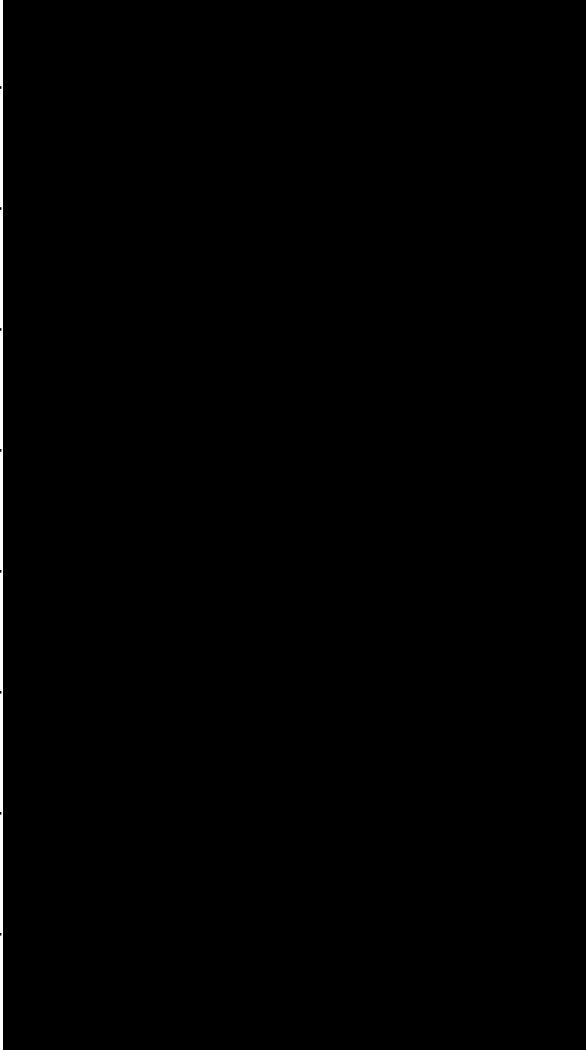
ZERTO INC.'S EXHIBIT LIST

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DTX1632	n/a		ZERTOSC008966	401/402, 403, 602, 701, 702, 703, NEA		
DTX1633	n/a		ZERTOSC008967 - ZERTOSC008968	401/402, 403, 602, 701, 702, 703, NEA		
DTX1634	n/a		ZERTOSC008969 - ZERTOSC008971	401/402, 403, 602, 701, 702, 703, NEA		
DTX1635	n/a		ZERTOSC008972	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1637	n/a		ZERTOSC008974	401/402, 403, 602, 701, 702, 703, NEA		
DTX1638	n/a		ZERTOSC008975 - ZERTOSC008976	401/402, 403, 602, 701, 702, 703, NEA		

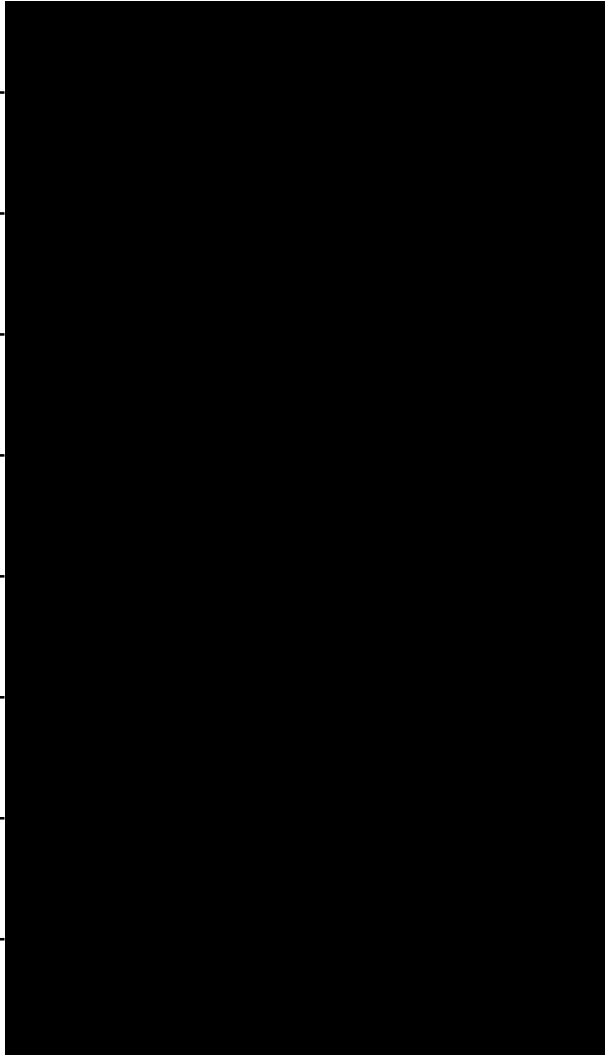
ZERTO INC.'S EXHIBIT LIST

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DTX1641	n/a		ZERTOSC008984 - ZERTOSC008985	401/402, 403, 602, 701, 702, 703, NEA		
DTX1642	n/a		ZERTOSC008986	401/402, 403, 602, 701, 702, 703, NEA		
DTX1643	n/a		ZERTOSC008987 - ZERTOSC008988	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1645	n/a		ZERTOSC008990 - ZERTOSC008991	401/402, 403, 602, 701, 702, 703, NEA		
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ZERTO INC.'S EXHIBIT LIST

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DTX1650	n/a		ZERTOSC009005	401/402, 403, 602, 701, 702, 703, NEA		
DTX1651	n/a		ZERTOSC009006 - ZERTOSC009008	401/402, 403, 602, 701, 702, 703, NEA		
DTX1652	n/a		ZERTOSC009009	401/402, 403, 602, 701, 702, 703, NEA		
DTX1653	n/a		ZERTOSC009010	401/402, 403, 602, 701, 702, 703, NEA		
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ZERTO INC.'S EXHIBIT LIST

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DTX1660	n/a		ZERTOSC009023	401/402, 403, 602, 701, 702, 703, NEA		
DTX1661	n/a		ZERTOSC009024	401/402, 403, 602, 701, 702, 703, NEA		
DTX1662	n/a		ZERTOSC009025 - ZERTOSC009026	401/402, 403, 602, 701, 702, 703, NEA		
DTX1663	n/a		ZERTOSC009027	401/402, 403, 602, 701, 702, 703, NEA		
DTX1664	n/a		ZERTOSC009028 - ZERTOSC009029	401/402, 403, 602, 701, 702, 703, NEA		
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ZERTO INC.'S EXHIBIT LIST

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DTX1669	n/a		ZERTOSC009036	401/402, 403, 602, 701, 702, 703, NEA		
DTX1670	n/a		ZERTOSC009037	401/402, 403, 602, 701, 702, 703, NEA		
DTX1671	n/a		ZERTOSC009038 - ZERTOSC009041	401/402, 403, 602, 701, 702, 703, NEA		
DTX1672	n/a		ZERTOSC009042 - ZERTOSC009043	401/402, 403, 602, 701, 702, 703, NEA		
DTX1673	n/a		ZERTOSC009044 - ZERTOSC009046	401/402, 403, 602, 701, 702, 703, NEA		
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ZERTO INC.'S EXHIBIT LIST

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DTX1677	n/a		ZERTOSC009051 - ZERTOSC009106	401/402, 403, 602, 701, 702, 703, NEA		
DTX1678	n/a		ZERTOSC009107 - ZERTOSC009114	401/402, 403, 602, 701, 702, 703, NEA		
DTX1679	n/a		ZERTOSC009115 - ZERTOSC009116	401/402, 403, 602, 701, 702, 703, NEA		
DTX1680	n/a		ZERTOSC009117	401/402, 403, 602, 701, 702, 703, NEA		
DTX1681	n/a		ZERTOSC009118 - ZERTOSC009119	401/402, 403, 602, 701, 702, 703, NEA		
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ZERTO INC.'S EXHIBIT LIST

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DTX1689	n/a		ZERTOSC009156	401/402, 403, 602, 701, 702, 703, NEA		
DTX1690	n/a		ZERTOSC009157	401/402, 403, 602, 701, 702, 703, NEA		
DTX1691	n/a		ZERTOSC009158 - ZERTOSC009164	401/402, 403, 602, 701, 702, 703, NEA		
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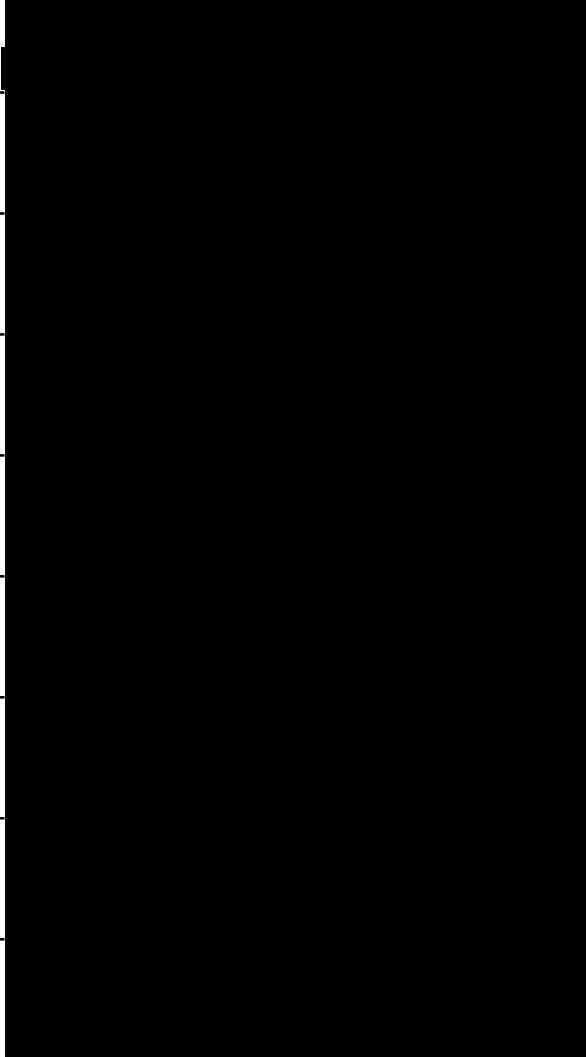
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DTX1695	n/a		ZERTOSC009170	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1697	n/a		ZERTOSC009172	401/402, 403, 602, 701, 702, 703, NEA		
DTX1698	n/a		ZERTOSC009173 - ZERTOSC009283	401/402, 403, 602, 701, 702, 703, NEA		
DTX1699	n/a		ZERTOSC009284 - ZERTOSC009289	401/402, 403, 602, 701, 702, 703, NEA		
DTX1700	n/a		ZERTOSC009290 - ZERTOSC009292	401/402, 403, 602, 701, 702, 703, NEA		
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ZERTO INC.'S EXHIBIT LIST

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DTX1707	n/a		ZERTOSC009363	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1709	n/a		ZERTOSC009387 - ZERTOSC009390	401/402, 403, 602, 701, 702, 703, NEA		
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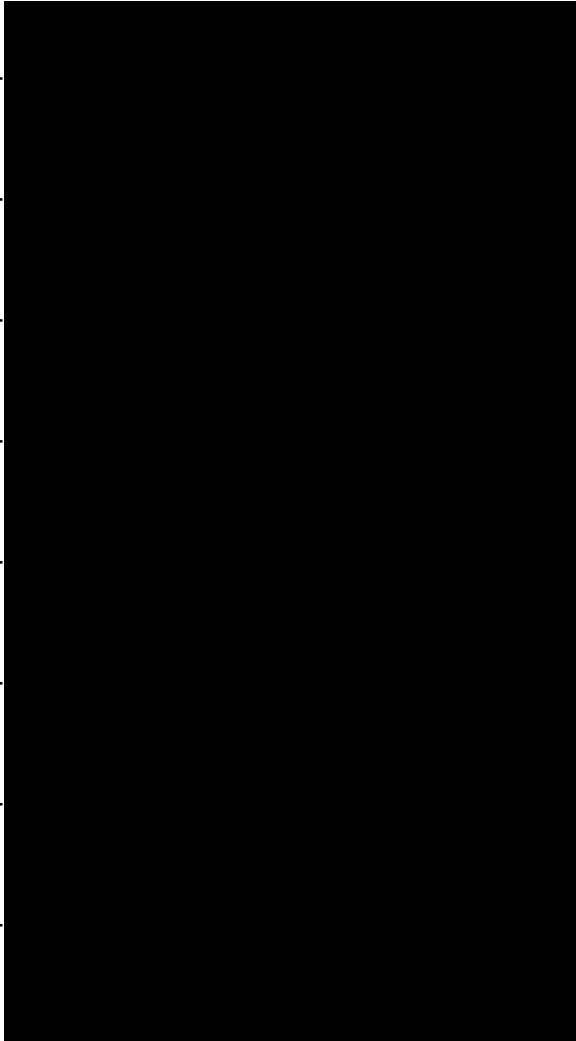
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DTX1716	n/a		ZERTOSC009400 - ZERTOSC009402	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1718	n/a		ZERTOSC009404 - ZERTOSC009567	401/402, 403, 602, 701, 702, 703, NEA		
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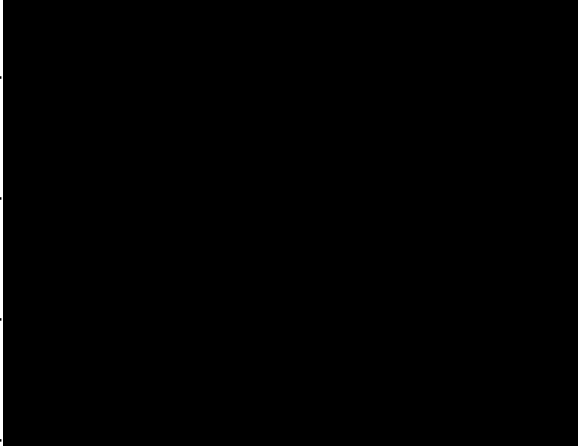
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DTX1723	n/a		ZERTOSC010063	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1726	n/a		ZERTOSC010069 - ZERTOSC010096	401/402, 403, 602, 701, 702, 703, NEA		
DTX1727	n/a		ZERTOSC010097 - ZERTOSC010112	401/402, 403, 602, 701, 702, 703, NEA		
DTX1728	n/a		ZERTOSC010113 - ZERTOSC010116	401/402, 403, 602, 701, 702, 703, NEA		

ZERTO INC.'S EXHIBIT LIST

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DTX1731	n/a		ZERTOSC010129	401/402, 403, 602, 701, 702, 703, NEA		
DTX1732	n/a		ZERTOSC010130	401/402, 403, 602, 701, 702, 703, NEA		
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DTX1734	n/a		ZERTOSC010132 - ZERTOSC010135	401/402, 403, 602, 701, 702, 703, NEA		
DTX1735	n/a		ZERTOSC010136 - ZERTOSC010163	401/402, 403, 602, 701, 702, 703, NEA		
DTX1736	n/a		ZERTOSC010164 - ZERTOSC010179	401/402, 403, 602, 701, 702, 703, NEA		
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ZERTO INC.'S EXHIBIT LIST

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DTX1740	n/a		ZERTOSC010196	401/402, 403, 602, 701, 702, 703, NEA		
DTX1741	n/a		ZERTOSC010197	401/402, 403, 602, 701, 702, 703, NEA		

ATTACHMENT C

SCHEDULE C-3:
JOINT EXHIBIT LIST

JX0001	1/12/2010	Certified copy of U.S. Patent No. 7,647,460 B1 (Wilson, et al.)	EMC_0198721 - EMC_0198736
JX0002	10/13/2009	Certified copy of U.S. Patent No. 7,603,395 B1 (Bingham, et al.)	EMC_0198701 - EMC_0198720
JX0003	6/28/2011	Certified copy of U.S. Patent No. 7,971,091 (Bingham, et al.)	EMC_0198769 - EMC_0198788
JX0004	8/18/2009	Certified copy of U.S. Patent No. 7,577,867 B2 (Lewin, et al.)	EMC_0198789 - EMC_0198822
JX0005	6/6/2000	Certified copy of U.S. Patent No. 6,073,222 (Ohran)	EMC_0198737 - EMC_0198768
JX0006		Certified File History for U.S. Patent No. 7,647,460 (Wilson, et al.)	EMC_0183412 - EMC_0184067
JX0007		Certified File History for U.S. Patent No. 7,603,395 (Bingham, et al.)	EMC_0185501 - EMC_0185860
JX0008		Certified File History for U.S. Patent No. 7,971,091 (Bingham, et al.)	EMC_0184659 - EMC_0185499
JX0009		Certified File History for U.S. Patent No. 7,577,867 (Lewin, et al.)	EMC_0184069 - EMC_0184657
JX0010		Certified File History for U.S. Patent No. 6,073,222 (Ohran)	EMC_0185861 - EMC_0189427